

**Provincial Advocate
for Children & Youth**



**We're All In
It Together.**

Provincial Advocate
for Children Youth



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Provincial Advocate for Children & Youth

L'intervenant provincial
en faveur des enfants & des jeunes





Irwin Elman

Message from the Provincial Advocate

As I reflect on 2009-2010, I am both pleased and disappointed that more of Ontario's young people are reaching out to the Office for assistance and guidance. The volume of calls from young people and their representatives increased six percent for 2009-2010 over 2008-2009. In fact, the Office has seen increasing demand for its services each year since we began our journey toward becoming an independent entity. The increase is the result of at least two key issues. It is certainly tied to our public education efforts to ensure more young people and their natural advocates know about our services. In addition, economics have undoubtedly had a role to play in the increased demand for our support. As the Advocate for Ontario's Children and Youth, I cannot stress enough the importance of looking at the social and economic issues impacting Ontarians through the broader lens of children's welfare, in the interest of protecting our children and youth.

As an organization, we look not only at why the landscape is changing for our young people, but continually reflect on the quality and reach of our services to ensure we are equipped to serve them. As you will see by the content of this year's report, the Office serves Ontario's young people holistically; by addressing individual cases; identifying, investigating and recommending changes to systemic issues and; helping communities build capacity to support their youth. The role of young people in the work of the Office is core to my vision and this year steps have been taken to ensure their voice and physical presence are everywhere in our work.

This year was one of change for the Office, as we continue our journey to independence. We have expanded our services,

identified new areas of focus and enlarged our capacity to ensure that more of Ontario's young people are heard and their concerns are addressed. We did that by implementing quality assurance measures to improve data collection and our governance and accountability practices. Fact-based research is the foundation of good analysis and effective programming. We hired more child and youth advocates to better address the increasing volume of cases. We secured a new location, independent of the Ministry of Children and Youth Services, bringing us another step closer to independence. We began implementing our social inclusion plan, making materials and services more easily available to young people and potential referral sources in various ethno cultural communities.

Finally, we began focusing on new ways to help Ontario's young people on issues of increasing importance and concern in particular; issues of children's mental health; services to remote and fly-in communities, and concerns about treatment of our young people within the justice system. This growth and organizational maturation allows us to honour our commitment to do what we say and say what we do.

This holistic approach and the active role of young people in the identification of issues and in the search for solutions are central to the theme of this year's report entitled "Working Together". It exemplifies how we work with young people, their communities, the children's service system, government and across my Office to improve the lives of Ontario's young people. They deserve it.

Irwin Elman
Advocate

**Provincial Advocate
for Children & Youth**

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Introduction

The Provincial Advocate for Children and Youth (the Provincial Advocate) is an independent Officer of the Legislature of Ontario.

The position of the Advocate was established in October 2007 through an Act of the Legislature. With the enactment of this historic legislation, the Advocate's predecessor, the Office of Child and Family Service Advocacy (formerly part of the Ministry of Children and Youth Services) ceased to exist and the Advocate became an independent Officer reporting directly to the Legislature.

The Provincial Advocate for Children and Youth Act, 2007 (the Act) directs and guides the activities of the Advocate. In July of 2008 Irwin Elman became the Advocate.

The *Act* mandates the delivery of an annual report to the Legislature. The Advocate's **2009-10 Annual Report** highlights advocacy services, systemic issues identified and individual rights concerns responded to by the Office of the Provincial Advocate for Children and Youth (the Advocate's Office) for the year ending December, 2010 details the expenditures for the fiscal year ending March 31, 2010.



Working Together

Walking alongside Ontario's children & youth

The *Provincial Advocate for Children and Youth Act, 2007* sets out the following guiding principles for the Office:

- a) Provide an independent voice for children and youth by partnering with them to bring issues forward.
- b) Encourage communication and understanding between children and families and those who provide them with services.
- c) Educate children, youth and their caregivers regarding the rights of children and youth.

Who We Serve

The Office of the Provincial Advocate for Children and Youth (the Advocate's Office) is mandated to serve youth in state care and at the margins of state care. Six groups of children and youth are included in the Provincial Advocate's mandate: those connected to the child welfare system, the children's mental health system, the youth justice system, those with 'special needs', those requiring the services of provincial and demonstration schools, and First Nations children and youth.

Cases by Gender

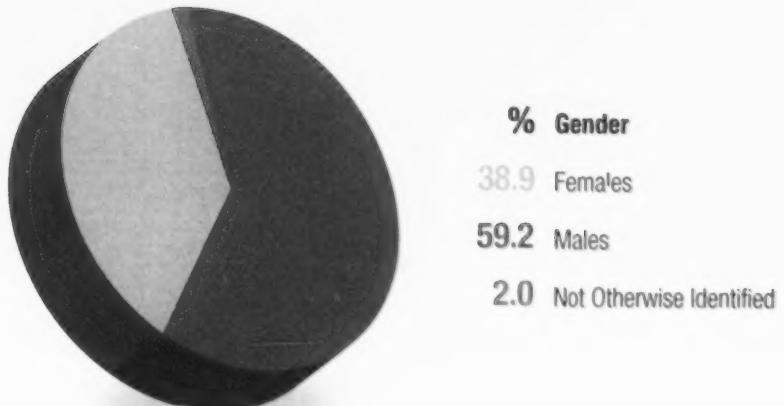


Figure 1.0: Period Covering January 1, 2010 - December 30, 2010

Cases by Age Group

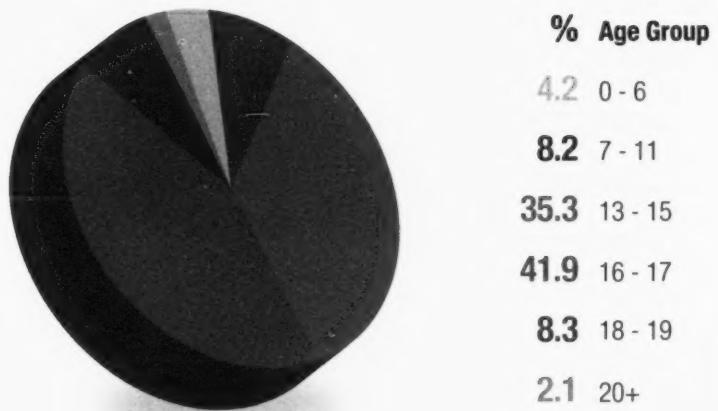


Figure 1.1: Period Covering January 1, 2010 - December 31, 2010

Cases by Category

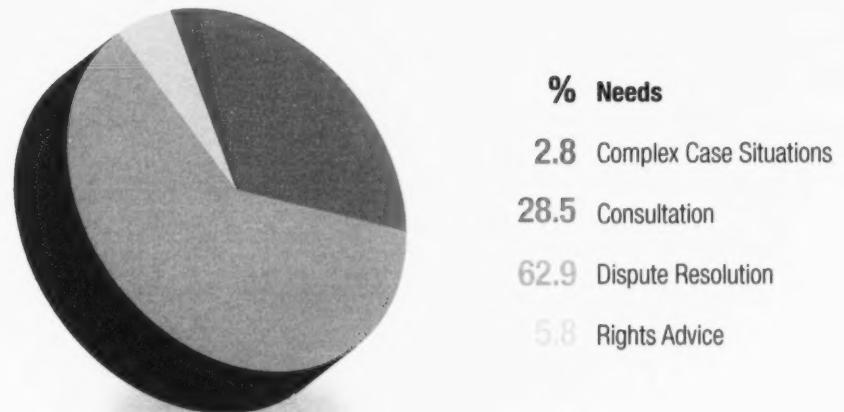


Figure 1.2: Period Covering January 1, 2010 - December 31, 2010

Cases by Region

Region	Complex Case Situations	Consultation	Dispute Resolution	Rights Advice	Total
Central East Region	0.70%	3.20%	7.60%		
Central West Region	3.20%	2.70%	9.00%		
Eastern Region	0.10%	1.70%	2.90%		
Hamilton/Niagara Region	0.30%	2.00%	2.10%		
North East Region	0.04%	1.20%	1.00%		
Northern Region	0.34%	2.00%	4.20%		
Out of Province	0.13%	0.90%	0.60%		
South East Region	0.04%	1.00%	2.00%		
South West Region	0.30%	3.80%	10.40%		
Toronto	0.70%	5.00%	15.70%		
Unassigned	0.04%	4.50%	6.80%	6.10%	
Subtotal	2.90%	28.60%	62.40%	6.10%	100%



Working Together

How We Serve

The *Provincial Advocate for Children and Youth Act, 2007*, defines advocacy as "promoting the views and preferences of children and youth" and further instructs the Advocate's Office to be "an exemplar for meaningful participation of children and youth through all aspects of its advocacy services."

The Advocate's Office, therefore, sees connecting with and involving youth in everything it does as vital to the success of its work. The Office understands the work it does as *walking alongside* the children and youth it serves, providing the opportunity for children and youth to speak for themselves, speaking for children and young people when and where they cannot speak for themselves or speaking up when young people instruct the Office to speak on their behalf.

The mission, vision and operational values of the Office were jointly created by our staff and the children and youth we serve.

Mission

The Advocate's Office partners with children and youth at the margins of care or in care in order to help make change for:

- Individual children and youth
- The systems that serve them
- The policies that affect them

In everything we do we strive to be an exemplar for others in terms of how we include and involve young people in our advocacy work.

¹ *Child and Family Services Act R.S.O. 1990, CHAPTER C.11.* as amended.

² Within the UNCRC, four articles are afforded special emphasis, as they are basic to the implementation of all other rights. These four articles are often referred to as 'general principles'. They are:

- that all the rights guaranteed by the UNCRC must be available to all children without discrimination of any kind (Article 2);
- that the best interests of the child must be a primary consideration in all actions concerning children (Article 3);
- that every child has the right to life, survival and development (Article 6); and
- that the child's view must be considered and taken into account in all matters affecting him or her (Article 12).

<http://www.childrensrights.ie/index.php?q=childrens-rights-ireland/un-convention-rights-child>

Vision

The voices, rights and wishes of children and youth being cared for by government services inspire and drive everything we do.

Values

Excellence: we are professional, knowledgeable, creative and flexible; we listen to youth and we learn from young people.

Integrity: we are loyal, honest and trustworthy; we are here to support young people.

Respect: we are polite, open-minded, supportive and understanding and we believe in young people.

Accountable: we are reliable and responsible and we say what we do and do what we say.

As guided by the *Act*, the Advocate's Office carries out its individual rights work activities with the consent of children and youth we are mandated to serve. The Office uses a 'rights-based approach', that begins with the rights and entitlements set out in Part V of Ontario's *Child and Family Services Act* (CFS), and the principles² of the *United Nations Convention on the Rights of the Child* (UNCRC).



Youth Participant - Engagement Session

Organizational

The Advocate's Office is in its third year of a five year transition from being a part of a government ministry to becoming an "independent voice of children and youth." We are doing this by building our organizational capacity to engage, connect and respond to the needs of youth and by:

- Managing and planning the functions of the Office in an efficient way.
- Responding to service needs within the accountability needs of the Legislature.
- Developing staffing consistent with legislated mandate and government direction.

The Office is on track to becoming an independent voice for children and youth as it meets with children and youth in various ways and amplifies their voices consistent with its legislated powers.

Organizational Capacity

The Advocate's Office responded to approximately 4,200 calls during the past year, an increase of six percent over the previous year. The requests were for information and advocacy regarding young people's rights.

The Advocate's Office delivered this high volume of service in Canada's second largest province, one that includes many small and remote First Nations communities in the far north and in Toronto, Canada's largest and most culturally diverse city. However, the location of the Office in Toronto presents some challenges for responding to the unique needs of Ontario's children and youth in fly in and remote communities.

Over the last year the organizational work of the Office has focused on:

- solidifying our core operational infrastructure.
- enhancing the Office's governance and accountability processes and measures.

Significant Activities of the Advocate's Office in Strategic Development in 2010:

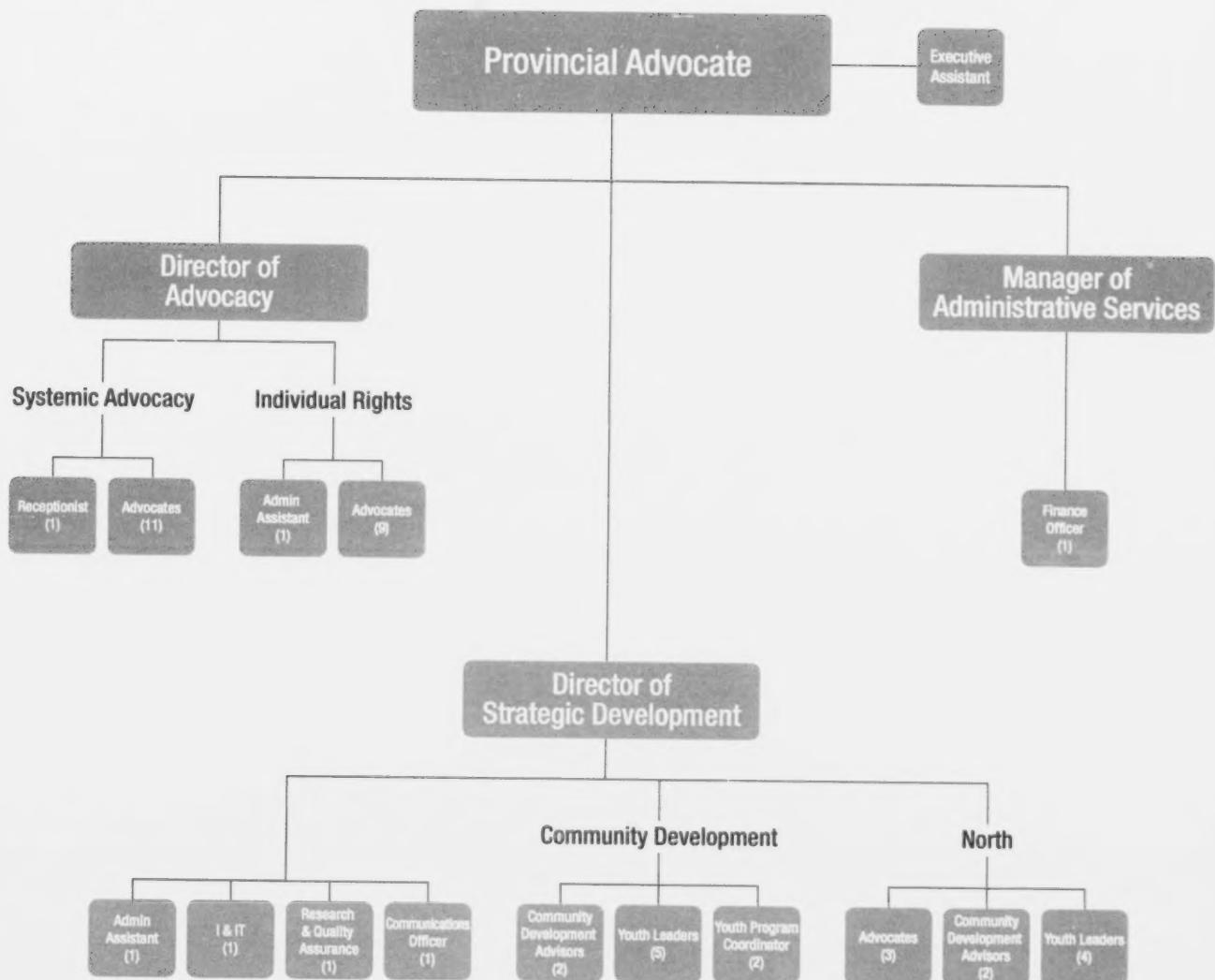
- At the beginning of the year the staffing complement for the Advocate's Office increased from 24 to 34, with the addition of a Research and Quality Assurance Lead, a Finance Officer, two Community Development Advisors, an Executive

Assistant to the Provincial Advocate, a Communications Officer and four additional Child and Youth Advocates. The Advocate's Office's current organizational structure is depicted in Figure 1.4.

- Restructuring of the Community Development activities of the Office to support the outreach and educational functions of the mandate. (see the Community Development section).
- Development and approval of a Northern Strategy/First Nations Strategy to better serve Ontario's dispersed communities and respond to the province's geographic challenges (see below).
- Conducted a joint review by the Office's Information and Information Technology (I & IT) and Research and Quality Assurance leads to assess both strengths and weaknesses of the data gathering and retrieval system inherited from government. The review and research into systems used in Advocate's Offices in other provinces led to a decision to redesign and develop a new comprehensive Management Information System.
- As part of a focus on governance and accountability the Office reviewed its risk management policies and operational guidelines and practices. Consequently, significant work was undertaken to revise, expand, update and create policies and procedures that further solidified and strengthened the governance and accountability practices of the Office.
- Began to embed research and quality assurance capacities in all in-house activities through the creation of a dedicated organizational Research and Quality Assurance lead.
- Reviewed the manner in which the Advocate's Office offers service using an anti-racism lens.

In 2011 The Advocate's Office will increase its organizational capacity by:

- Moving forward with vendor selection for a redesigned Management Information System (MIS). The new system will provide a functionality that is responsive to the needs of staff in all areas of the organization, while at the same time meeting the growing business and financial reporting requirements of the Office. It will improve the efficiency of advocacy reporting with the Individual Rights team and could potentially improve the data informing the work of the



Total F/T Positions - 39
 Total P/T Positions - 11

Figure 1.4: Organizational Chart

Organizational

Systemic team and the delivery of its work. The system has the potential to inform all aspects of the work undertaken by the Office including the work of the Community Development team and Research and Quality Assurance areas of the Office.

- Completing our internal governance and accountability structures.
- Building our information gathering and retrieval capacity. The I. & I.T. systems unit will assume responsibility for project management of the technological components associated with MIS development and expanded in-house data-retention and analysis capacity.
- Implementing our work plan on racism and social inclusion, including: reviewing how we ask questions about culture/racism/discrimination; develop strategies to heighten awareness of the Office within Ontario's various ethno-cultural communities; make public education materials distributed by the Office culturally and linguistically accessible to children and youth and to potential referral sources in various ethno cultural communities; and continue to develop and enhance our Advocates' awareness and sensitivity to cultural, religious and linguistic issues specific to the young people our Office is mandated to serve.



Youth Advisory Group

Working Together: Inside the New Independent Advocate's Office

Prior to the creation of the new independent Office, advocacy services were provided to young people through the Office of Child and Family Service Advocacy within the Ministry of Children and Youth Services. During this first five year term of the new Office, we are focusing on the transition from our former reporting relationship with Ontario's Children's Ministry and disengaging from the Ontario Public Service as we strive to become a truly independent voice for children and youth.

As part of this transition, the Office has created three teams each undertaking activities tied to child and youth advocacy. These teams are: Individual Rights Advocacy, Systemic Advocacy and Community Development.

The structure of the Office provides opportunity for the voices of children and youth to inform and, wherever possible, guide our advocacy activities and work. Children and youth may connect to the Office as individuals, or they may connect as a group.



Figure 1.5: Office of the Provincial Advocate's three overlapping advocacy roles



Activities undertaken by the Advocate's Office connect and overlap across the three teams. This ensures children and youth influence the work of the Office from a variety of access points. It also ensures that the work is connected across teams and that there are links between and across individual, systemic and community development teams. In this way, the teams work together in an integrated way that complements rather than duplicates efforts to ensure that the Office pursues issues of importance to the young people who seek our assistance.

Working Together: Natural Advocates

The Office plays a crucial role in elevating the voices of 'young people', a term used to represent both children and youth inclusively. We do this by working with the natural advocates who are part of the communities in which young people live. These natural advocates can include parents, teachers, coaches,

guidance counsellors, clergy, friends, family members, staff at community centres, staff in group homes, foster care providers and many others living in the community who advocate for young people.

Wherever possible, the Advocate's Office, partners with community members, service agencies, provincial and federal organizations and across all levels of government in its work. The Office acknowledges the importance of the need to assume shared responsibility for 'our children and youth'.

As there are many 'natural advocates' for children in Ontario, the Advocate's Office continues to reach out to these 'advocates' as a means of seeking effective ways to elevate the voices of young people in matters of importance in their lives and to address the barriers they face while involved in Ontario's systems of state care.

Advocacy Individual Rights

Individual Rights Advocacy: When You Call You Are No Longer Alone

The children and youth the Office is mandated to serve have a right to speak with a Child and Youth Advocate from the Office. They can do this by contacting the Office toll free at 1-800-263-2841, ooVoo provincial-advocate (ASL/LSQ users) or by email at advocacy@provincialadvocate.on.ca. Young people in the care of child welfare must, according to the *Act*, be provided with contact information about the Office on a quarterly basis. Posters providing contact information about the Office must be posted in all child welfare residences, youth justice facilities and children's mental health residences and can be obtained by contacting the Office at the toll free number noted above.

Calls received by the Office from children and youth generally are about services they've received or about questions regarding their rights. Calls and emails received by the Office are addressed by an Individual Rights Advocate, and are responded to within 24 hours. Individual Rights Advocate's respond to calls on a rotational basis and are responsible for all calls that come in on a day to day³ basis. As part of this process an Individual Rights Advocate is responsible for the provision of assistance and working with a young person to seek resolution on the issue that initiated the call to the Office. Cases range in complexity and often involve issues of an inter-ministerial or multi-jurisdictional⁴ nature.

When an Individual Rights Advocate receives a call they work from the premise that each call is important. They start by listening (often they are the first person who has taken action after listening to the young person) and work with the young person to create an "advocacy plan". When the call is from a person contacting the Office on behalf of a child or youth, the Individual Rights Advocate will, as a first step in the advocacy plan, endeavour to ensure consent is obtained by speaking directly with the young person. Once consent is obtained, the Advocate will work with the young person to develop strategies for resolution that are the least adversarial.

The Advocate's Office acknowledges the strength and courage required for a young person to speak up, let alone contact the

Office. In working with a young person to create an advocacy plan an Individual Rights Advocate, in conjunction with the young person, determines what action will be taken, who needs to be contacted, what meetings need to be set, and what roles will be played by the Advocate and the young person in moving forward. In every case the goal is to ensure the voice of the young person is heard and that the child directs the course of advocacy.

Calls from young people, and the resulting work of the Individual Rights Advocacy Team, are central to the work done by the Advocate's Office.

Each Call Is Important

Approximately sixty-four percent of the 4,200 calls received by the Office last year were from young people. The remaining calls were from those who contacted the Office on behalf of a child or



³The Office receives between 15 and 30 calls on any given day.

⁴Individual Rights Advocates carry a caseload of 30-40 active cases at any one time.



youth. These "natural advocates" are an increasingly important information and referral resource for children and youth seeking advocacy services. The total number of calls represents a six percent increase over last year and is consistent with a pattern of increasing number of calls received year over year since the Office became independent.

It is expected that calls to the Individual Rights Team will continue to increase as the outreach, education and community/provincial activities of the Systemic and Community Development Teams at the community level continue to expand. The increase in calls this year is an indication that the more the Office focuses on community outreach and public education with groups less familiar with the work of the Office, the more likely it is that young people and agency staff will contact the Office for information or assistance. We continue to explore methods that have the potential to connect us to young people who may require advocacy assistance or information about the Office. Key to this work is the growing importance of connecting with young people through supported technology based resources including email and social media.

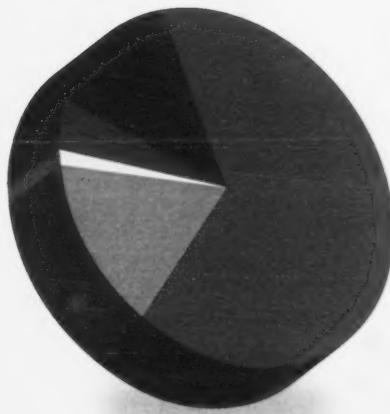
The majority of calls received by the Office during the period covered by this report, January 1, 2010 until December 31, 2010

were made by (or about) youth 12 to 17 years of age. Eighty-eight percent of the calls received by the Office were related to services and supports provided or funded by the Ministry of Children and Youth Services (MCYS) under the Child and Family Services Act. The remaining calls were related to issues associated with other provincial ministries or the federal government.

Youth Justice and Child Welfare divisions of the Ministry of Children and Youth Services, represented almost half the calls received by the Office. Despite the significantly higher numbers of young people in the child welfare system; the number of calls from young people in youth justice settings were 50 percent higher than those received from young people in child welfare. The section of this year's report focusing on the Children's Service System provides greater detail into each of the Office's six mandated areas, the size of the population served, and highlights examples of the work carried out by the Office on behalf of young people.

As noted previously, the Office strives to assist young people to resolve their 'individual rights' complaint. As part of this work we are watchful for themes or patterns that need to be brought to the attention of the Systemic Advocacy Team for further action or review.

Case by Referral Source

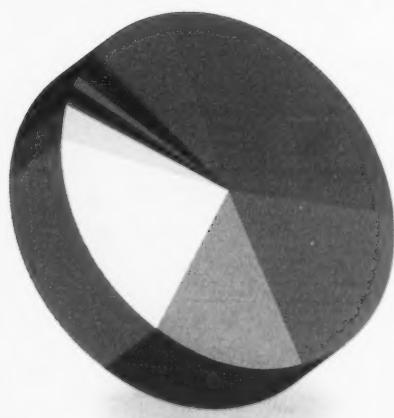


% of Total	Referral Source	% of Total	Referral Source
64.9	Client/Self	0.2	Sibling
14.8	Parent	4.3	Extended Family
	Foster Parent	11.3	Professional
	Guardian	3.0	Other

*each grouping is based on how callers identified themselves when contacting the Office

Figure 1.6: Period Covering January 1, 2010 - December 31, 2010

Case by Topic



% of Total Issue

29.6	Youth Justice
19.4	Child Welfare
14.6	Children's Mental Health
	Group Home
	Residential/Demonstration Schools
0.4	Developmental/Physical Disability
1.5	Foster Care
1.1	Community Agency

% of Total Issue

0.8	Financial Assistance
0.5	Police and Holding Cells
0.2	Courts
0.8	Hospital
0.5	Autism Initiative (IBI/ABA)
0.6	Out of Province/Federal
8.1	Other

Figure 1.7: Period Covering January 1, 2010 - December 31, 2010

Case by Primary Ministry



% Ministry
0.2 Out of Province
2.5 None
1.3 Ministry of Health
Ministry of Education
0.0 Ministry of Community Safety and Correctional Service
0.9 Ministry of Community and Social Services
88.9 Ministry of Children and Youth Services
1.2 Ministry of Attorney General
0.4 Federal Government

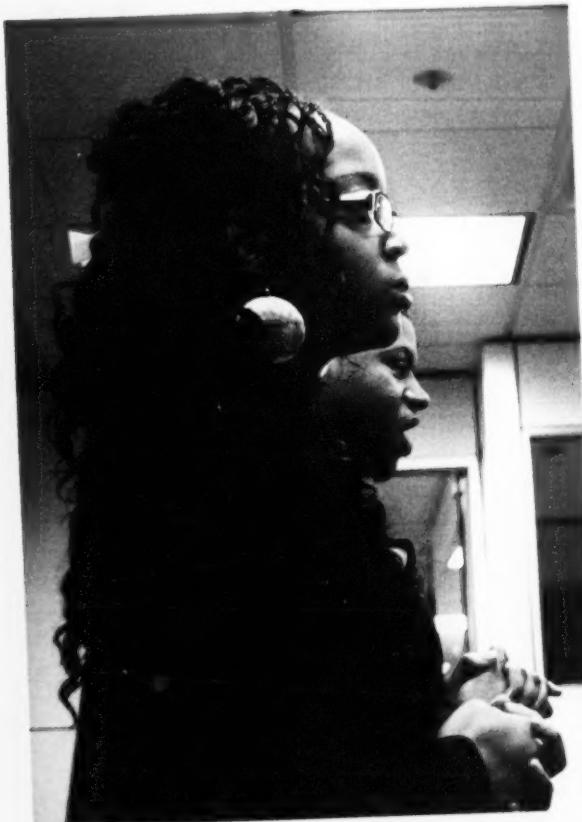
Figure 1.8: Period Covering January 1, 2010 - December 31, 2010



Youth Engagement Training at the Office, January 2011

Advocacy Systemic

The Act instructs the Advocate's Office to conduct "systemic advocacy". This involves the review of facilities, systems, or agencies and their services and operational processes. Reviews are undertaken as a result of cumulative or serious concerns raised by young people and verified, as a result of calls received by the Office or through meetings with groups of children and youth about services they received or issues in their community. Reviews are comprehensive and reflect the thoughts, concerns and strengths of a particular service, agency or organization based on the feedback and insight gained from young people using the service or agency.



Youth presenting at Youth In Care Event, February 2011

Systemic Advocacy is advanced through the development and dissemination of position papers, internal briefing documents, broad consultation activities and issue specific project work. Information gathered from young people as a result of their involvement in work with the Office includes advice and recommendations for change. This feedback and direction has been included in the inquest and child welfare work undertaken by the Office.

Systemic Advocacy involves and engages young people in a manner that moves beyond the simple provision of information and seeks their insight into finding solutions to systemic problems. The insight of young people, having lived in state care, is rooted in knowing what does not work for them and what needs to be changed if the next generation of young people are to benefit from a system that meets or responds to their needs. Systemic Advocacy often involves building partnerships with natural advocates and allies across the service sector and with government, including public servants, political appointees and elected officials.

Through the work of the Systemic Team the Advocate's Office identifies trends and seeks out opportunities to improve policies, programs and legislation. It does this by challenging existing governance structures and/or the development of policy and regulatory directives that diminish the level of resources and opportunities available for vulnerable children and youth.

We Are All In This Together: Society as a 'System'

If the children and youth of Ontario are to flourish then all Ontarian's have a role to play. This concept has become largely empty rhetoric. It is as if by saying things like "it takes a village" or "we are all in this together" that everything comes together on its own to form the partnerships needed for change to happen. While there is a great deal of concern and goodwill towards young people in the Province, steps must be taken to harness that goodwill into collaborative partnerships that result in real change for children and youth.

The lives of children and youth are shaped and influenced by myriad imperfect and complex systems they pass through that provide for their care and support. At the macro-level these include the country, province and city the young person lives in,

its laws, and the diversity of cultures and social structures. The micro-level includes family of origin or substitute care options, local neighbourhoods, communities, band councils, schools, health and faith organizations, and the individuals who interact with the young person on a day to day basis.

These systems sometimes work in 'silos' with barriers or gaps between and within them. Occasionally, these systems - often governmental and funded service providers - come together and work as integrated networks, or systems to reduce barriers and achieve common goals on behalf of children and youth. The Advocate's Office is of the opinion that collectively, we all have a shared responsibility for the lives of young people and that *we're all in it together* as we think about the changes needed within existing structures and systems of care to support young people and provide them with what they need to grow and mature.

The Advocate's Office identifies issues, offers solutions when it sees them and, wherever possible, encourages third parties to take action. The Office wants all Ontarians to be partners in advocating for the rights of our young people. To help achieve this goal, we work at macro- and micro-levels to amplify the voices of children and youth, to advocate on their behalf and to build partnerships that will strengthen the ability of communities and service providers to be the natural advocates young people need in their lives. With this broad vision in mind, the Office is using these first five years of its mandate to ensure it has the necessary resources in place to foster and build partnerships that breathe life into the view that "We Are All In It Together".

For many Ontarians, including children and youth, macro-level social influences have created difficult challenges during the past year:

- Individual and family debt levels are on the rise and financial institutions have raised warnings
- The global economic recovery is still weak and vulnerable to collapse
- Many children and families were affected by job loss and reduced parental income
- More children, youth and adults rely on food banks
- The Ontario government has announced plans to reduce the number of broader public service agencies as part of cost-cutting measures to trim the deficit

- Governments at all levels have promised to reduce their debts and respond to 'needs' more efficiently without tax increases or by cutting taxes
- At the service level, agencies are facing rising costs and demands for service though their budgets are frozen by government and inflation reduces the resources they have available

For many Ontario youth, the economic downturn has added to the burdens in their lives and increased their invisibility and marginalization in society. During this period of fiscal restraint, any freezing or reduction of services to young people will leave them even more vulnerable, hidden casualties with many unmet needs. It is in this environment that the importance of coming together as a province for young people becomes more than an aspiration - it is a necessity.



Westview Photovoice Project Gallery Launch, December 2010

Community Development

The alignment of Community Development under the umbrella of the Strategic Development Unit brings a broader and more strategic vision to the role of community development to the Office. Like the work of the Individual Rights and Systemic Advocacy teams, the Community Development team works with government ministries, direct service providers, advocacy based organizations at the local, provincial and national levels, and local school boards, colleges and universities. This work takes the Office to where young people are and as a result community development takes on broader systemic themes that also involve policy and program delivery discussions much like those conducted in other areas of our work. The expanded function of the Community Development activities of the Office includes *dialogue and opportunity*.

Dialogue: The focus for the Community Development team's work is to expand the knowledge base that exists about the Office, including extensive community and child and youth specific engagement activities linked to youth justice, children's mental health, child welfare, Provincial and demonstration schools, special needs and First Nations. Issues are identified by young people and or the Office pursuant to the *Provincial Advocate for Children and Youth Act, 2007*.

Opportunity: The Community Development team works to involve young people the Office serves in the work of the Office, including assistance with the development of strategies, organizing events, and the creation of publications and resources materials. The Office is responsible for educating children, youth and their caregivers about the rights of children and youth. The Community Development team has begun the process of consolidating the manner in which rights education will be advanced by the Office.

The work of the Community Development team is a manifestation of the "We Are All In It Together" philosophy. The work links the Office in a tangible, meaningful way with the children and youth it serves. It establishes that children and youth are "in" the advocacy work of the Office and that the Office is "in" the advocacy work of children and youth in the Province.

Significant Activities of the Advocate's Office in the Area of Community Development in 2010:

- In February 2010, the Office worked with young people

to host a Black History Month Event that engaged youth in activities underpinning the nature of rights and the importance of young people having forums in which to celebrate and engage in dialogue and cultural expression. Young people from all areas of our mandate were invited to be part of the evening and activities that were moderated by young people involved directly and indirectly with the work of the Office.

- In the summer the Office moved forward with its strategy to embed youth leaders in the organizational structure of the Office. The "Youth Amplifiers" are a group of young people under the age of twenty-four who work with the office in the capacity of volunteers and/or in part-time paid positions. The work of youth leaders is linked directly to the Community Development Team providing a connection between the work of the Office and young people at the community level. It positions the youth as youth mentors and a youth voice around rights education and outreach activities.

Accomplishments of the Amplifiers included:

- In late 2010, former Governor General Michaelle Jean hosted a discussion with young people in Toronto. Three young people associated with the Amplifiers group were in attendance. Two of the young people in attendance spoke to the Governor General about their experience with settlement and immigration issues since arriving in Canada. Both young people were powerfully moved by the response the Governor General provided. This type of intimate engagement is vital to young people as they work to have their issues heard by the broader political and adult community and affirmed the importance of their presence in discussion.
- Creation of two videos and two podcasts related to youth rights.
- Design of a youth written *Amplifier Magazine*.
- Design of the Advocate's Office and Rights Education material to be used in Ontario's provincial schools for the Deaf.
- National Children's Day at the Legislature in November. Young people were able to tap into the Advocate's Office's resources to develop their messages and then communicate them to representatives from three political parties. A video documenting the issues raised by the young people is included as part of this year's Annual Report. The young

Youth Engagement Training work group February, 2011



people in attendance addressed issues that included status issues for First Nations women and their children, career paths and barrier free workplaces, immigration, the education needs of students with exceptionalities, needs of youth in remote northern communities, quality care and the role of the province as the parent of children in the care of the state.

• In October 2011, the Office hosted its initial discussion with a group of 25 young people from on-reserve communities from across the province. The meeting was the culmination of a year of discussions and meetings with the Chiefs of Ontario, Nishnawbe-Aski-Nation and many First Nations communities and service providers from within and beyond Ontario's First Nations communities. Over the two days, young people, elders, representatives from communities and the Grand Chief of the Chiefs of Ontario met with the Provincial Advocate to begin discussions on the role of rights education and advocacy in First Nations communities and in the lives of First Nations youth.

In 2011 In the Area of Community Development the Advocate's Office will:

- Formally launch *The Amplifiers* by bringing 20 youth from across the Province to Toronto to meet and establish with the Advocate's Office a Youth Advisory Council Terms of Reference and recruitment strategy.
- Undertake listening tours with young people across the Province.
- Move forward with the development and implementation of a social media strategy to connect and dialogue with children and young people in the mandate of the Advocate's Office.
- With the Legislature, seek ways in addition to the National Children's Day at the Legislature that children and youth in the mandate of the Advocate's Office may have a presence at the Legislature.
- Seek strategies to connect with children and youth in the mandate of the Advocate's Office not currently being reached.



Sweat lodge at the Kokeeyamukau Southwest Regional Healing Lodge & Learning Centre

Northern Strategy

As part of the broader strategic and systemic focus on First Nations issues, the strategy is a key capacity development issue for the Office, with broad reaching implications around advocacy and service needs. As part of the work in the north, the Office continues to sit as part of the Intergovernmental Network (IGN). The IGN is comprised of representatives from the provincial and federal levels of government and leadership from Nishnawbe-Aski-Nation. The work of the IGN has focused primarily on the number of suicides among young people in some on-reserve communities. It has demonstrated the need for the Office to take a more strategic role and presence in the North and, where appropriate, leverage broader policy and program advocacy on issues that are brought to the IGN.

Many of the issues that continue to play out at the Network table have not translated into immediate resources for youth. The needs that exist appear to surpass the resource commitments that exist, as highlighted by:

- Tele-psychiatry and treatment and assessment resources in northern communities continue to lag behind those provided in southern Ontario.
- Children and youth often face significant geographic, social and economic barriers as a result of being placed with service providers outside their home communities.
- First Nations children in Northern communities are coming into care of child welfare at rates that far exceed those of non-First Nations youth in the north and in the south.
- The per capita rate of incarceration of First Nations youth far surpass that of any demographic group in Canada.
- Regional Offices across the north have limited roles in fly-in communities to educate and support children with special needs.

This year the Office has invested significant time and resources in expanding its reach into the north as part of building a broader strategy around advocacy.

Significant Activities of the Advocate's Office in the Area of Northern/First Nations Strategy 2010:

- Continued to sit as part of the Intergovernmental Network (IGN) to better understand and, where possible, influence how provincial ministries and federal departments work with Nishnawbe-Aski-Nation to address service needs of Northern First Nations youth, with specific focus on resources that have potential to decrease the high level of attempted and completed suicide in some first Nations communities.
- Requested and received approval for two year funding to initiate work on how to create a northern/First Nations focus and expand the Advocate's Office capacity to serve children and youth living in Northern and Remote Communities.
- In partnership with the COO and the Nishnawbe-Aski-Nation convened a meeting of 25 First Nations children and youth for the purposes of establishing a First Nations Youth Advisory Council for the Advocate's Office.

In 2011 The Provincial Advocate's Office Will Enhance Its Northern/First Nations Strategy by:

- Continuing outreach to youth and communities in the north to finalize/articulate a clear specific understanding of the needs of the north and the role of the Advocate's Office, first on-reserve then off; hearing from youth and communities.
- Establishing a First Nations Advisory Committee comprised of youth, northern service providers and First Nations leadership from across the province.
- Beginning implementation of the Northern strategy through placing Advocates in Kenora, Thunder Bay and Timmins and Community Development Advisors in Kenora and Thunder Bay all who will be supported by five youth leaders.
- As part of the Northern strategy, identifying specific data needs and unique connectivity activities to link Northern staff with the Toronto Office.

Children's Service System

Introduction

In Ontario, with its 2.8 million⁵ children and youth, it is daunting for families, communities and government to ensure that needed resources are in place to support the healthy growth and development of children living in the province's urban, rural, remote, isolated and fly in communities. Though the needs of young people in different communities may differ to some degree, their basic needs for food, housing and clothing, health and mental health supports, and for education are the same and provide common ground to come together and build bridges to move forward.

Sometimes, young people require effective parenting that is provided through alternative care. Others have short-term or time limited needs that require intensive or peripheral service resources and supports. Still others have needs that are life-long and require resources that support their needs from childhood through the transition to adulthood and perhaps for the rest of their lives.

In all cases, children, youth and their families need linkages to accessible and practical resources. Young people need connections to caring adults and supportive communities and the knowledge necessary to make use of the resources and connections available to them. In short, our young people need resources, connection and voice.

There are roles for many individuals and groups responding to young peoples' needs be they child and youth workers, social workers, health care providers, teachers, therapists, clinicians

or doctors. Everyone who touches the life of a child or a young person can play a role in partnering and breaking out of restrictive silos to find ways to organize access to services for families, children and youth. While challenges exist notable steps have already been taken by the government of Ontario:

- Proclamation of the *Child and Family Services Act* in 1990 provided a common legislated base for funding, delivery and monitoring of child and youth-focused services.
- Creation of the Ministry of Children and Youth Services in 2003 provided integrated policy and planning for many child and youth-focused services.
- Acting on the 2009 report, *With Our Best Future in Mind*⁶, outlined a plan for full-day learning for 4 and 5 year olds as part of an integrated system aimed at supporting children from 0 to 12 years and their families.
- The current inter-ministerial discussion being driven by the Ministry of Children and Youth Services around the creation of a *Youth Policy Framework*, one of four foundational pillars⁷ needed to create sustainable hope and opportunity for Ontario as outlined in the 2008 Roots of Youth Violence Report,

Though the use of legislation and the implementation of structures and policy have helped in many ways, they are not the whole solution. More must be done to expand the work being done by government such as in the area of services for young people with developmental and physical disabilities.

Making the System Work Together

Individual services are often referred to as being part of a 'service system,' where the system is defined as integrated parts working in conjunction with each other to accomplish a number of goals.⁸ The challenge for all of us, youth, families, frontline staff, administrators, policy makers and advocates, is to help improve the 'working in conjunction with' between and among the 'parts' aspects of the system.

The children's service system, although largely guided by the *Child and Family Services Act*, is not effectively interconnected and does not necessarily function as a 'system.' Additionally, the policy, funding and delivery 'players' in the system don't always act as if they work from the perspective of "we are all in it together."

⁵ MCYS (2009) Results-based Plan Briefing Book, Ministry of Children and Youth Services, The Estimates, 2010-2011

⁶ Pascal, Charles E., (2009) *With Our Best Future in Mind: Implementing Early Learning in Ontario*. Queen's Printer for Ontario.

⁷ The four pillars are defined as: **A youth policy framework** to guide and coordinate policies and programs for youth by reference to developmental stages and outcome goals. **A repaired social context** to make Ontario's social context work for all Ontarians by addressing the roots of violence involving youth, including poverty, racism, poor housing, youth mental health, education, the need for supports for families and youth engagement, and issues arising in youth justice. **A neighbourhood capacity and empowerment focus** to strengthen communities through initiatives such as schools as hubs, supporting resident engagement and stable funding for agencies that serve disadvantaged communities and **Integrated governance** to drive and coordinate work across the Ontario government and to work effectively with the other orders of government and with the strengthened communities.

⁸ RA Johnson, et. al., *The Theory and Management of Systems*.

The willingness to create a *Youth Policy Framework* for the province is a welcome sign of hope. With the encouragement of collectives of organizations in the community, such as Ontario Youth Matters, the provincial government is working to establish a set of "markers" for all young people in the Province to use as a guideline of what we expect for them. To be successful this initiative will require strong leadership and unprecedented cross ministerial cooperation.

The Advocate's Office is cautiously optimistic, in part, because of the steps taken by the provincial government to ensure the inclusion of young people in this work.

However, noble ambitions can still result in no action being taken. For example, at this point in time the government has done little to implement the recommendations contained in the *Roots of Youth Violence Report of 2008*⁹. The manner in which the *Youth Policy Framework* will be implemented is as much about investing in youth as it is about finally moving forward some of the central recommendations contained in a report that has largely been left to gather dust. The Premier, by calling for a review of the roots of violence, was provided with a powerful framework to advance

⁹ On November 14, 2008 the Review of the Roots of Youth Violence report, co-chaired by former Chief Justice Roy McMurtry and former Speaker of the Legislature Alvin Curling, was presented to Premier Dalton McGuinty. The report recommends that government focus its resources on the province's most disadvantaged communities and describes how poverty, racism, the lack of decent housing, culturally insensitive education systems and limited job prospects combine to create hopelessness, alienation and low self-esteem among youth that all too often explodes into violence. (Ontario Public School Boards Association).

¹⁰ The Honourable Roy McMurtry and Dr. Alvin Curling (2008). *The Roots of Youth Violence: Volume 2 Executive Summary*, Queen's Printer for Ontario. www.rootsofyyouthviolence.on.ca.

¹¹ There are two sections in the Act that address the requirements for review:

Section 224 requires the Minister to periodically conduct a review of the Act or those provisions of it specified by the Minister; inform the public when a review begins and what provisions of the Act are included in the review; and prepare a written report respecting the review and make that report available to the public and **Section 226**, added to the Act in 2006, states that every review of the Act must include a review of provisions imposing obligations on children's aid societies when providing services to a person who is an Indian or Native person, or in respect of children who are Indian or Native persons, with a view to ensuring compliance by societies with those provisions.

¹² The review included two components: a review of the compliance by children's aid societies (CASs) with the Indian and Native¹ provisions of the Act, conducted for the first time in 2010. A review of the CFSA guided by the ministry's strategic framework and focused on how the legislation, its regulations and policies might be enhanced to better enable outcomes-based service delivery, support an improved service experience for young people, and modernize the Act.

an agenda and recommendations that highlighted centralizing the role for government in moving forward. This is no better articulated than in the Executive Summary Document¹⁰ noted below,

"That is why we propose a body at the centre of government with the mandate and resources to consider our advice, situate it within the context of the balance of the government's agenda, determine priorities, make linkages among ministries and with other governments and manage a process of both building and being responsive to communities across the province. Only this kind of body and approach will be able to produce a coherent, long-range plan for the province capable of effectively responding to the intertwined and entrenched nature of the many roots we identified" (Volume 2, pg. 35)

Significant Activities of the Advocate's Office Involving the Children's Service Sector in 2010:

- Prepared and submitted recommendations for changes to the *Child and Family Services Act* (CFSA) legislation consistent with the scope set by MCYS. The Ministry of Children and Youth Services (MCYS) is required under sec. 224 and sec. 226 of the CFSA¹¹ to periodically conduct a review of the legislation every five years¹². Posted at: www.provincialadvocate.on.ca
- Met with the Ministry of Children and Youth Services to provide insight and feedback around the development of the Ministry's *Youth Policy Framework*.



Children's Service System

Child Welfare

Child welfare, the largest sector within the Ontario children's social services system is comprised of 53 Children's Aid Societies (CAS's) with an overall budget of 1.4 billion dollars. Five of these are northern Aboriginal Children's Aid Societies serving 63 of Ontario's 133 First Nation communities on- and off- reserve. A sixth Aboriginal children's aid society works with Aboriginal children and families in the City of Toronto.

In 2009/ 2010 across Ontario, CAS's reported 25,377 open protection cases and provided substitute care to 26,221 children. A child living "in care" away from parents or extended family will be placed in one of approximately 5,000 group home beds or in one of the approximately 11,000 beds in 7,101 foster and kinship homes. The time a young person spends in one or more of these settings can range from a few weeks to several years.



Significant Activities of the Advocate's Office in Child Welfare in 2010:

The Office initiated its *Youth Leaving Care Project*. Beginning from the stance "we are all in it together" the project is committed to partnering with youth and service providers to secure better outcomes for those of our young people living in the care of child welfare. The project includes four key activities:

- Advocacy efforts targeting a MCYS "no aging out" policy applicable to all youth in care and the implementation of regulatory and legislative change targeting improved outcomes for youth in care.
- A comprehensive literature review of child welfare that includes provincial, national and international studies.
- Meetings with Ministries, the private sector and key stakeholders to determine how each will contribute to creating better outcomes for crown wards and youth leaving care.
- Providing a forum for young people across the province to come together to inform the Office about what they need to grow up to become successful adults.

Concluded initial discussions, with Ministers and Deputy Ministers representing 14 provincial ministries. The Office is encouraged to see that as a result of these meetings Ministries are taking the following action:

- The Ministry of Government Services (MGS) and MCYS in partnership with the Ministry of Education (MOE) and selected Boards of Education are taking steps to re-engage youth aged 16 to 19 in cooperative education placements and classroom education. The MGS will reach out to CAS's to encourage and support the participation of Crown Wards in the Learn and Work Program.
- The Ministry of Health and Long -Term Care (MOHLTC) proposed a solution to the issue of youth leaving care not having access to primary health care¹³. Health Care Connect will be instructed that these youth are to be prioritized.

¹³Primary health care refers to the patient's first point of contact with a doctor or a health care team. Primary health care includes but is not limited to: disease management and prevention, disease cure, palliative care and health promotion. (http://www.health.gov.on.ca/transformation/lht/lht_understanding.html)

CAS's will be provided with details needed for them to assist youth to apply and gain access to primary health care providers.

- On April 2010, MCYS agreed to undertake a policy response to seven immigration issues facing young people in care. The recommendations were presented by current and former wards of the CAS, representatives of the Interagency Child Welfare Immigration Liaison Committee and the Advocate's Office¹⁴.

Began reviews¹⁵ of seven children's residences pursuant to the *Provincial Advocate for Children and Youth Act, 2007* to ensure children and youth have the opportunity to speak about the care they receive at those residences and their lives "in care". The outcomes of the reviews will be released in 2011.

- 1. No youth should leave care or extended care and maintenance (ECM) without status in Canada. Child welfare support should be extended until status obtained.
- 2. Ministry of Children and Youth Services (MCYS) should ensure that youth in care without status or youth on ECM without status should have the same rights and opportunities as any other youth in care. This means they should be eligible for, among other things, scholarships, Ontario Student Assistance Program (OSAP), have access to the Registered Education Savings Plans (RESP) program administered through the Children's Aid Society (CAS), rent geared to income housing, daycare and should pay Canadian not "Foreign" post secondary student fees.
- 3. MCYS should create a separate unit that handles all cases of children and youth seeking status in Canada who are in the child welfare system.
- 4. Fact sheets and training about the immigration process for youth in care should be available to child welfare professionals, young people and service providers across the province. Training about the experience faced by young people in care with immigration concerns should be extended to service providers outside of the child welfare system (e.g. youth shelter workers). Training should also cover the link between immigration and racism.
- 5. It is important for child welfare workers to ascertain the status of the child or youth upon the child's first encounter with the child welfare system. In the event on an apprehension the CAS worker should be ensured that all the necessary identification required for young people to get healthcare, employment, attend school or travel are obtained.
- 6. Young people 16 to 18 years of age should be eligible for child welfare services including crown wardship.
- 7. Recommendations made to you and your team that crossed into Federal/Provincial jurisdiction included:
 - A child/youth in care with immigration issues should automatically go through a streamlined process in applying for immigration status.
 - Young people who become Crown Wards should automatically be granted permanent status in Canada.

¹⁵ *Provincial Advocate for Children and Youth Act, 2007*, 2. (1) "review" means gathering and assessing information for the purpose of advocacy; ("examen")

Working Together As Parents for Young People of the Province

There is little debate that Crown Wards leaving care are not doing well nor are they achieving to their full potential. Report after report show youth leaving care are overrepresented in our justice and shelter systems. A recent Pre-budget Submission by the Ontario Association of Children's Aid Societies¹⁶ indicates the high school graduation rate for Crown Wards is just over 44% where the rate for the general population is closer to 79%.

In its legal role as parent to these children, the province of Ontario has an obligation that goes beyond the responsibility of one Ministry and involves the entirety of government. Crown Wards are, by virtue of being wards of the crown, the children of the Province.

The Advocate's Office sees the need for government to develop a child welfare lens to be used by Cabinet to identify and address barriers that policy decisions create for children and youth accessing services including young people connected to the child welfare system.

The lens must consider, "how decisions in policy impact Crown Wards", and "that there be a process in place to address barriers that have the potential to limit equitable access to services and resources prior to submissions being given final approval". Linking a child welfare lens to the cabinet submission process will help ensure ministries are accountable to children most at risk, including Crown Wards, who continue to be negatively impacted by policy decisions.

This approach requires an understanding of young people who are Crown Wards that moves beyond seeing them simply as a group of children in need of protection. These children and youth have the same range of needs and desires as all of our children in the province. The difference is that this group is growing up, under the government's roof. As a result, we as Ontarians share the responsibility of holding the government accountable for their care through childhood up until their successful attainment of post-secondary education.

¹⁶ Ontario Association of Children's Aid Societies, (Feb.2011) Pre-Budget Consultation Submission to the Standing Committee on Finance and Economic Affairs February 1, 2011



Beyond its direct role in this process Government must encourage and nurture the involvement of a range of adults at the community level. Young people need and want to have a sense of connection and belonging and steps must be taken to ensure they have at least one positive adult in their lives. Our children deserve to have lives that are happy and fulfilled. Championing mentorship is a key role government can play in building a strategy that sees everyday citizens, the private sector, labour movements, and faith-based communities demonstrating that Ontarians believe that all Ontario youth matter.

In support of the need to do more at the community level, the Ministry of Children and Youth Services began its second year of activities associated with the Commission to Promote Sustainable Child Welfare¹⁷. In July 2010, the Commission produced its first report, *Towards Sustainable Child Welfare in Ontario*¹⁸. The report recommended a four tier strategy that includes: a reconfiguration of the organizational structures of CAS's and their service delivery; changing the existing funding model for child welfare; the implementation of a new accountability and system management model; and; the strengthening and improvement of overall service delivery.

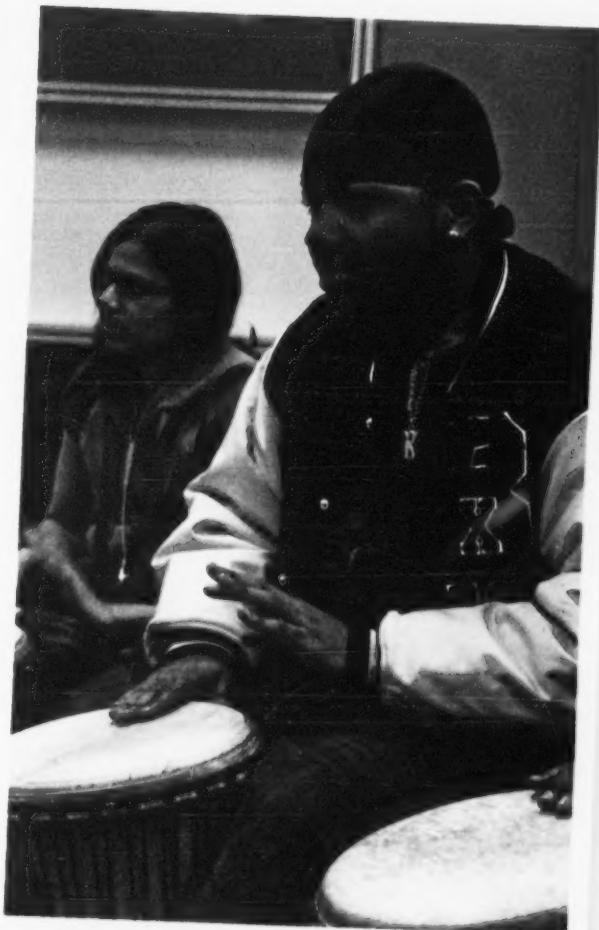
The Commission's work is driven by a vision of "a future in which a modernized child welfare system functions as one of many programs working together, to provide integrated, child focused services fully aligned to improve outcomes for children and youth". The initiative is laudable and the work of the Commission speaks to many of the concerns children and youth living in care have raised this year with the Advocate's Office.

In 2011 in the area of Child Welfare the Advocate's Office will:

- Build on the momentum of the Youth Leaving Care Project and convene provincial youth driven panel discussions about what is needed to improve outcomes for youth living in the care of child welfare.
- Expand the scope of our reviews of group homes to include

a focus on mental health, special needs, and access to the Advocate's Office.

- Continue to work with other natural advocates of youth connected to child welfare including the Ontario Association of Children's Aid Societies, the Foster Parents Association of Ontario, and the Commission to Promote Sustainable Child Welfare.



Youth during Black History Event at the Advocate's Office

¹⁷ The Commission to Promote Sustainable Child Welfare was created in November 2009 with a three-year mandate to develop and implement solutions to ensure the sustainability of child welfare in Ontario.

¹⁸ <http://www.sustainingchildwelfare.ca/assets/CPSCW-Towards-Sustainable-Child-Welfare-in-Ontario-201006.pdf>

Children's Service System

Youth Justice

The Youth Justice system is a component of the children's service system. The residential system includes approximately 1,300 beds in 22 secure detention/custody and 46 open detention/custody facilities. The system meets the needs of young people through community and custody-based services and supports that include probation, alternatives to custody, open and secure custody and reintegration resources. Central to the work of the Youth Justice system is the need to balance public safety with providing care to our most vulnerable and in need children in state care.

In recent years the Ministry of Children and Youth Services – Youth Justice Services Division attempted recently to move forward with a critically important culture shift in its directly operated youth justice facilities through the introduction of the "relationship custody" model. This framework is described as a "philosophy that encourages and empowers staff at all levels of the Youth Justice System to foster a positive and professional relationship with youth in their care". Another step is the use of community based youth justice programs, i.e., alternatives to custody resources and probation services connect young people to youth justice services within their local communities, rounds out the residential/community delivered resources provided to young people involved in the Youth Justice System.

Significant Activities of the Advocate's Office in Youth Justice in 2010:

- The Office released its report on the Roy McMurtry Youth Centre (RMYC) "Summary of Advocacy Activities and Issues, August 2009-February 2010". The report was shared with the RMYC and the Minister of Children and Youth Services. The Report reflects that the RMYC was in disarray operating with limited staffing, limited programming and a lack of direction and leadership - all of which placed young people living there at risk. In March 2010, the Ministry produced its response, "Action Plan, Helping Youth Realize Their Potential at RMYC". Both reports are posted at <http://provincialadvocate.on.ca> The Minister's Office has since advised the Advocate's Office that an "action plan" is in place to address the issues identified at RMYC and that all components of the plan will be implemented by March 2011.

- The Advocate's Office convened a meeting with more than 20 service providers from the community eager to assist the Ministry of Children and Youth Services in achieving the promise of "Relationship Custody" at RMYC. At the invitation of the Advocate's Office, an MCYS representative was asked to attend the meeting. A Community Advisory Committee was established by RMYC as a result of the discussions that took place. This initiative was intended to strengthen the Centre and the Advocate's Office will continue to monitor the implementation of the Governments action plan underway at RMYC.
- Began a review of all secure isolation¹⁹ units in youth justice facilities across the province. The review was precipitated by calls to the Office from young people who raised concerns about the living conditions in the secure isolation cells, denial of articles of religious practice such as bibles and prayer mats, and the little opportunity for mental stimulation despite lengthy placements in secure isolation cells. The Office has completed interviews with 141 youth in 21 secure isolation units in Ontario. A full report will be available early in 2011.
- As a member of the Canadian Council of Provincial Child and Youth Advocates (CCPCYA) the Provincial Advocate contributed to the development of a submission to the Federal Parliamentary Standing Committee on Justice considering Bill C4, a bill to amend the *Youth Criminal Justice Act (YCJA)*.
- In a separate activity, the Provincial Advocate presented an Ontario specific submission to the committee expressing concern that the proposed changes to the *YCJA* would minimize opportunities for rehabilitation and reintegration for all young people and instead target resources and interventions to the minority of young people who have committed serious violent offences.
- The Office established a working group of academics and service providers in the area of youth justice to develop

¹⁹Under Part VI Section 126 (3) of the Child and Family Services Act R.S.O. 1990, CHAPTER C.11. A child or young person may be placed in a secure isolation room where, (a) in the service provider's opinion, (i) the child's or young person's conduct indicates that he or she is likely, in the immediate future, to cause serious property damage or to cause another person serious bodily harm, and (ii) no less restrictive method of restraining the child or young person is practicable; and (b) where the child is less than 12 years of age, a Director gives permission for the child to be placed in a secure isolation room because of exceptional circumstances. 2009, c. 2, s. 12 (2).



Youth attending the Governor General's Youth Dialogue in Toronto

strategies aimed at changing the discourse around youth in conflict with the law. The objective is to shift public and professional language and explanatory frameworks concerning youth justice away from an emphasis on "crime and punishment" toward a view of the issues as being matters of community health, access to supports and resources, rehabilitation, reintegration and social justice.

- Released its Brookside Review Report, acknowledging the positive steps that MCYS and Brookside Youth Centre have taken to address the issues at the facility. The 2009 review by the Advocate's Office was followed by a Ministry directed operational review and the ministry's own report, "*A Return To Excellence*". The ministry report provided a road map for substantive improvements and changes at Brookside.
- The Office brought forward concerns to the Minister of MCSCS noting that the recently revised Policing Standards Manual regarding use of Conducted Energy Weapons (CEW) (commonly called TASERs) was not consistent with the recommendations made in the Braidwood Commission report, *Restoring Public Confidence*²⁰. Braidwood set a clear threshold for the use of a CEW as Assault Causing Bodily Harm and recommended a minimum standard for use, stating that CEWs should not be used to enforce any action that is not truly a criminal offense.
- The Advocate's Office called for the Minister of Community Safety and Correctional Services (MCSCS) to review his ministry's Conducted Energy Weapons (CEW) policy and designate children as a vulnerable population, further limiting the use of CEWs on children and applying to all police forces in the province.

We Are All In It Together Means Not Giving Up on Our Children

An example of our commitment to this principle can be found in the work we undertook at the RMYC, a 190 bed youth justice custody facility in Brampton, Ontario. The Centre's model of service holds a great deal of promise, but in the past year it has received a great deal of attention as a result of ongoing problems

with operationalizing its philosophical shift to Relationship Custody. Part of the problem stemmed from the Centre's failure to respect the basic rights of youth in their care and to provide the corresponding level of care the young people required.

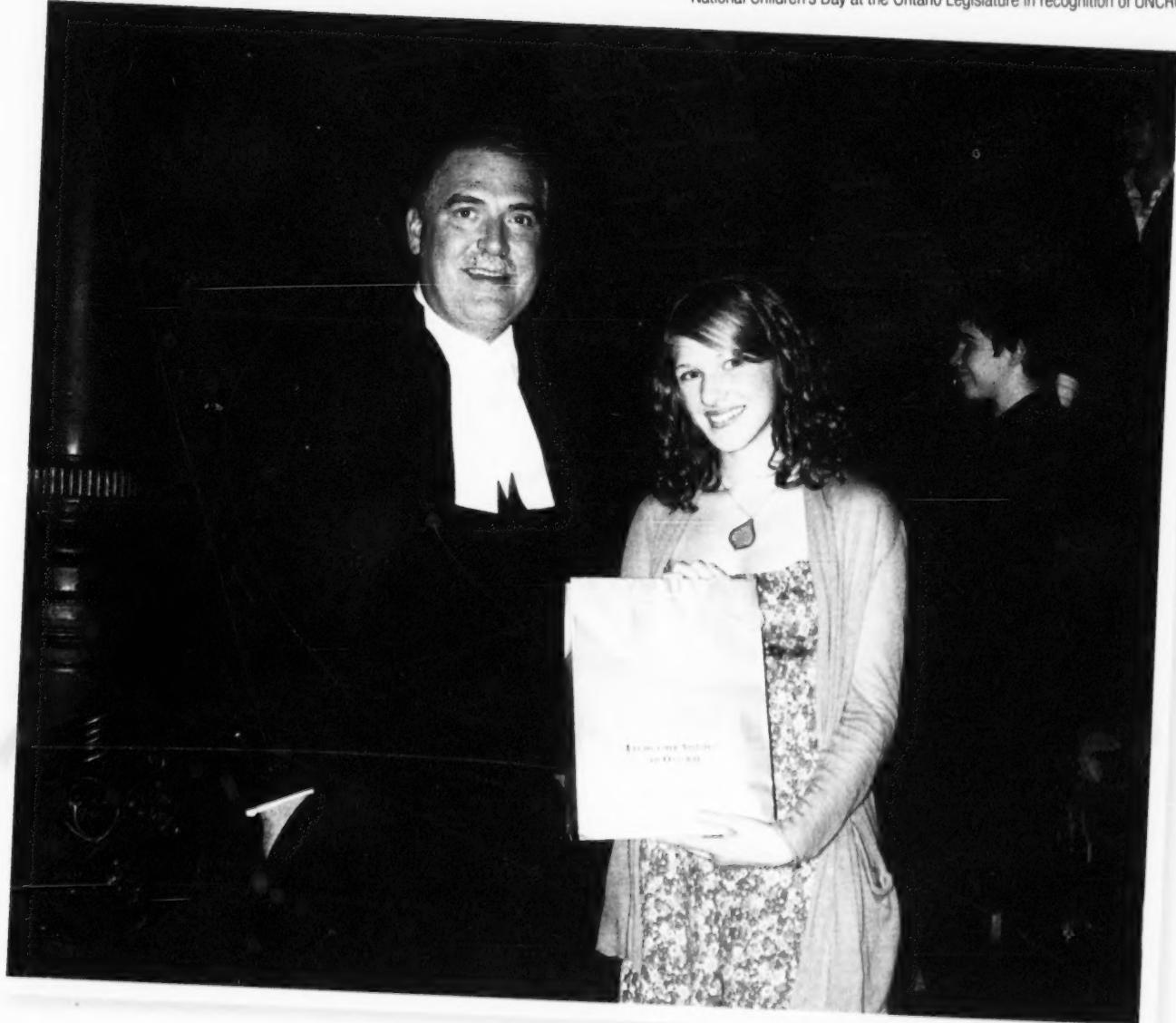
The Provincial Advocate for Children and Youth Act, 2007 instructs the Office to elevate the voice of youth; this includes those in conflict with the law. The Office believes "We all must remember those of our young people in the youth justice system are first and foremost children". As with children in the care of child welfare we must invest the time and resources needed to ensure that youth in the justice system receive the care they need to return to their communities rehabilitated and with follow up plans to support their transition. Many of the young people in conflict with the law who have spoken with the Advocate's Office have hopes and dreams for the future. As with other children in our province these young people can, with our investment, become future doctors, accountants, carpenters, trades persons and parents. "Relationship custody" is rooted in investing and building relationships with youth so that they move forward with skills that better position them for life-long success. This is why it was so important for the Office to be involved with RMYC this year and to help the Centre achieve the vision of the Ministry's new model of care for youth in custody.



Youth participants at our Black History Event

²⁰ Braidwood Commission, (2009). Restoring Public Confidence: Restricting Use of Conducted Energy Weapons in British Columbia. Braidwood Commission on Conducted Energy Weapon Use. Library and Archive Canada Cataloguing in Publication http://www.braidwoodinquiry.ca/report/P1_pdf/00-TitlePage.pdf

National Children's Day at the Ontario Legislature in recognition of UNCRC



In 2011 In the Area of Youth Justice the Advocate's Office will:

- Beginning in March 2011, conduct a formal review of the RMYC that will focus on the implementation of the relationship custody framework, the Ministry's action plan and revisit concerns identified in the Advocate's Office report of February 2010.
- Early in 2011, release the findings of its provincial review of Secure Isolation Units in youth justice facilities.
- Form a Youth Justice Advisory Group that will advise and inform activities associated with the review of youth detention centres.
- Continue its Police and Youth Initiative. The Advocate's Office and the For Youth Initiative (FYI) will partner with service providers, support staff and 20 young people

between the ages of 12-18 who have experience or interest in policing and youth justice issues in the areas of Children's Mental Health, Provincial Demonstration Schools, First Nations and Child Welfare. The goal of the partnership is for young people to review recommendations from reports and inquests that address police and youth issues. At the conclusion of the initiative the youth will create an action plan to present to the Provincial Advocate and the FYI executive.

- Continue advocacy efforts with MCSCS to propose regulations to designate children as a 'vulnerable' population and to restrict the use of Conducted Energy Weapons on this population, consistent with the Braidwood Report recommendations.

Children's Service System

Mental Health

The children's mental health sector of the children's service system is provided, for the most part, to children and families on a voluntary basis. Government funded agencies and institutions provide a range of residential and non-residential counselling and support services. Children and youth receive services from one or more of the 260 mental health agencies, 17 hospital-based outpatient programs and two government operated programs across the province. In rural, remote and underserved communities, video-conferencing technology provides vitally needed consultation services through Ontario's Tele-psychiatry Program.

Between 15% and 21% of children and youth are affected by a mental health disorder that causes *significant* symptoms or impairment. In Ontario, this translates into 467,000 to 654,000 children²¹. However, even more have some kind of a mental health need.

Childhood and adolescence are critical times for mental health issues to surface. For adults with mental illness, 70% of those illnesses began during childhood or adolescence.²² Only 1 in 5 of these children and youth are getting any type of service, and even then they may not necessarily be receiving the most appropriate service.²³

The average wait time for child and youth mental health services is 69 days, but wait times can range from 0 days to almost 4 years. Only 64% of children on a wait list for a period of more than a year have received any services as there are no established targets or systematic monitoring of wait times²⁴ by Government or the service system as a whole.

In 2008-9, MCYS spent \$444 million to provide assessment and treatment services, social supports, prevention programs and other services to children and youth with mental health needs.²⁵

Recently, the Ontario government released the following reports:

- In September 2010, the Select Committee on Mental Health and Addictions released its final report, *Navigating the Journey to Wellness: the Comprehensive Mental Health and Addictions Action Plan for Ontarians*²⁶. The report identified the need for timely access, an integrated range of services and assistance with navigating the mental health service system.
- In December 2010, the Advisory Committee to the MOHLTC released the Report: *Respect, Recovery, Resilience: Recommendations for Ontario's Mental Health and Addictions Strategy*. This report supports a continuum of mental health and addictions services and the need to "improve the capacity of community-based mental health services".

Both the Select Committee and the Minister's Advisory Group have recommended moving all mental health and addictions services, including those for children, under the Ministry of Health and Long Term Care. The idea of creating one central organizing mechanism for mental health does have merit. A central body would help to give mental health a priority status equal to other serious threats to health. It could improve planning, co-ordination, quality assurance and accountability. However, **no compelling reason has been provided for moving children's mental health out of the Children's Ministry and into the Health Ministry**. Despite its prevalence and severity, mental health has not been a priority within the health care sector. Although the recent attention given to mental health and the comprehensive reports that have been released are encouraging, there is a **danger** that children's mental health will simply be eclipsed by the needs of adult mental health and lost within the health care system. Any central planning mechanism for children's mental health requires a strong presence from the Ministry of Children and Youth Services with the authority and autonomy to act for children.

²¹ Ministry of Children and Youth Services (2006). *A Shared Responsibility Ontario's Policy for Child and Youth Mental Health*.

²² Mental Health Commission of Canada (2009). *Toward Recovery and Well-Being*.

²³ Simon Davidson, MHCC and CEO, (January 7, 2011) Interview on CBC Radio *The Current*.

²⁴ Ministry of Children and Youth Services (2009). *Implementation of A Shared Responsibility* (Mapping Results).

²⁵ In 2008-2009. MCYS spent \$444 Million to provide assessment and treatment services, social supports, prevention programs and other services for children and youth with mental health needs (pg.7), Ministry of Health and Long-Term Care (2010) *Respect, Recovery and Resilience: Recommendations for Ontario's Mental Health and Addictions Strategy*.

²⁶ The Select Committee on Mental Health and Addictions. (August, 2010) The Final Report Navigating the *Journey to Wellness: The Comprehensive Mental Health and Addictions Plan for Ontarians*.

Youth participants at an arts-based cultural workshop



Significant Activities of the Advocate's Office in Children's Mental Health 2010:

- Worked with the Hospital for Sick Children (HSC), the (MCYS), and the (MOHLTC) to revisit the opportunity to expand tele-psychiatry into MCYS.
- In November 2009, the Provincial Advocate wrote to MPP David Caplan stating he could not support Bill 117: Amending the Children's Mental Health Act as written and offered to meet to discuss the impacts the proposed changes would have on youth. While the Office could support the preamble of the bill and its call for a system that is both "well coordinated and efficient and provides excellent service and programming", concerns about the loss of oversight protections for young people and review mechanisms if secure treatment was moved from MCYS to MOHLTC made it impossible to support in its current form.

- Supported the New Mentality "youth engagement initiative" of Children's Mental Health Ontario by offering space and resources for training.

Working Together for a Continuum of Integrated Services In Children's Mental Health

Michael Kirby, the Mental Health Commissioner of Canada, has often described children's mental health as the "orphan's orphan" of the health care system.

Over the past 25 years, Ontario has produced more than 20 reports about reforming the mental health system. Each has identified similar issues and problems within the system and each has endorsed community-based services as the cornerstone of a deinstitutionalized system.



National Children's Day at the Ontario Legislature in recognition of UNCRC

The *Respect, Recovery, Resilience: Recommendations for Ontario's Mental Health and Addictions Strategy* emphasizes the need for "peer support" and advocates for "recovery and healthy development approaches". The authors argue there is backing for their strategy, particularly "the focus on supportive environments, resilience, early intervention and integrated services". The needs of children and youth are highlighted throughout the report as is the disparity around access to services and mental health resources across the province. The report supports the creation and nurturance of community based options that move beyond a medical model.

The *Respect, Recovery, Resilience: Recommendations for Ontario's Mental Health and Addictions Strategy* Report argues for a "whole government approach" led by the creation of the Ontario Health Quality Council and an Ontario Mental Health and Addictions Council with local decisions being made through existing Local Health and Integration Networks (LHINS) and proposed Local Mental Health and Addictions Networks (LMHAN).

Both reports echo a "We Are All In It Together Approach." This is tempered by the fact that in the past the Ministry of Health and Long Term Care, has only tepidly embraced the peer support, healthy development, and community based approach to mental health and wellness for which the *Respect, Recovery, Resilience: Recommendations for Ontario's Mental Health and Addictions Strategy* Report calls. Perhaps not surprisingly the Ministry of Health has focused on medical model interventions regarding mental health and children's mental health in particular.

The *Respect, Recovery, Resilience: Recommendations for Ontario's Mental Health and Addictions Strategy* Report suggests there is a "perfect storm of support" for a new approach to mental health and addictions in Ontario. With a provincial election imminent, this is the year that each of Ontario's three political parties must address the need for a renewed mental health and addiction strategy in their election platforms and the government elect must take tangible steps to move the strategy forward.

In 2011 In Children's Mental Health the Advocate's Office will:

- Develop a position paper on Children's Mental Health in response to the MOHLTC 2010 discussion paper, *Respect*,

Recovery, Resilience and the Select Committee's *Navigating the Journey to Wellness*.

- Launch its *Consent and Capacity* campaign to educate youth and service providers about the health related rights of children and youth in care.
- Develop and publish a position paper examining the transition young people experience as they move from the children's mental health care system to the adult mental health care system.
- Increase visibility of the Advocate's Office with youth in secure treatment, and youth found 'not criminally responsible' or 'unfit to stand trial' who are in secure facilities.
- Establish a Children's Mental Health Youth Advisory Group in conjunction with the New Mentality.



Youth during Black History Event at the Advocate's Office

Children's Service System

Provincial Schools

The Ministry of Education (MOE) is responsible for Ontario's provincial and demonstration schools for the deaf, hard of hearing, blind, deaf-blind and/or students with severe learning disabilities as mandated under section 13 of the *Education Act*. There are currently eight schools across Ontario providing educational services to this group of 730 children and youth, the majority of whom live in residence during the school week.

Significant Activities of the Advocate's Office at the Provincial Schools in 2010:

- An Advocate with expertise in the Deaf community was hired to establish a dedicated and regular presence at the Provincial and Demonstration Schools. This staff member is part of a team of four advocates from the Individual Rights Advocacy Team working closely with the eight schools and the office to expand its capacity to effectively and respectfully respond to the needs of young people connected with the schools and their families.
- Provided American Sign Language (ASL) and Langue des signes québécoise (LSQ) instruction to staff working for the Office.

Working Together By Reaching Out

Each year in Ontario 4 of every 1,000 babies born is deaf/Deaf²⁷ and hard of hearing, as identified by the Ministry of Health and Long-term care infant hearing early screening program. These children have a variety of options that are available to them and to their families. Deaf and hard of hearing children may be fluent in American Sign Language or langue des signes québécoise users or they may communicate using spoken English or French. They may be born and raised in a family that communicates with fully accessible language from birth, while others continue to struggle to communicate with their own immediate family members.

The experience of being deaf/Deaf and hard of hearing cannot be defined easily and with such a wide range of choices and lifestyles there are diverse experiences for many people. One common theme, consistently part of the experience of being deaf/Deaf is the importance of accessibility. Even with incredible advances in

technology, videophone, email, and the Internet, the basic needs and the rights of deaf/Deaf children and youth are still not being met consistently.

For those of our children who are deaf and visually impaired, accessibility can be facilitated through the use of interpreters, interveners real-time captioning and an increasing variety of technological aids. While these resources exist they are often not available or provided only occasionally. In the end this failure of the government to young people creates barriers that significantly impact their ability to be fully contributing members of their communities and this province.

Staff from the Advocate's Office have witnessed the frustration young people feel when they are unable to express their thoughts, concerns and ideas, or to choose their own path. Our goal is to ensure this group of our children and youth understand their basic rights, have access to communication formats that support their ability to communicate when they need or want to and that the Office strives to understand and be able to respond to the social, structural and attitudinal barriers that hinder the ability of this group of young people to engage and access the services and resources available to other children and youth across the province.

In 2011 at the Provincial Schools the Advocate's Office will:

- Maintain monthly presence in provincial/demonstration schools.
- Create a "youth engagement strategy" for students attending the Provincial Schools beginning with the Schools for the Deaf.

²⁷ "deaf" or "Deaf" The former refers to a deaf person who regards himself as a person with a medical condition, while the latter refers to a Deaf person who identifies with a larger community of Deaf people and a Deaf culture (Michael Schwartz, Syracuse University, 2002)



National Children's Day at the Ontario Legislature in recognition of UNCRC

Children's Service System

Special Needs

The term 'special needs' is associated with a variety of conditions which may include physical, intellectual, emotional, developmental disabilities, and chronic, severe or terminal illness. In Ontario, services and supports are provided to children and youth through a network of poorly connected agencies and direct funding²⁸ options tied to a limited range of disparate diagnoses. These diagnoses complicate service provision when they are associated with a young person who is receiving services from more than one sector of the children's service sector, e.g., a young person who has mental health needs and also has a developmental disability. In these cases the service system does not function as an interconnected system and, consequently, not all needs of the young person may be met. Also, being involved with one service system may deny them access to other needed systems where they may need support for a secondary diagnosis or additional service need.

Significant Activities of the Advocate's Office relating to Special Needs in 2010:

- Established a Special Needs Committee, comprised of Advocates from the Individual Rights and Systemic Teams along with youth and community partners to map the range of services, supports and funding available to children and youth with special needs across Ontario.
- Created a special needs strategy for the Advocate's Office that included training and educational forums for the Office and potentially wider audiences.
- Worked with the Fetal Alcohol Spectrum Disorder Ontario Network of Expertise (FASD ONE) and connected the Network and the MCYS resulting in training opportunities being provided to Ministry and direct service staff.
- In response to complaints about long wait times and lack of service for families with special needs children, the Advocate's Office wrote the Minister of Community and Social Services (MCSS) in October to advocate for

²⁸ Direct funding options include programs like the Special Services at Home Program (SSAH), Respite Enhancement Funding for Medically Fragile and Technologically Dependent Children (MFTD), Assistance for Children with Severe Disabilities (ACSD), Complex Care Funding and Passport Funding. This funding supports the ability of families to directly purchase respite services and in some case addresses the extraordinary costs associated with caring for a family member with a physical and or developmental disability. These programs are financially managed by MCSS /MCYS and in the case of MFTD eligibility is determined by Community Care Access Centres (CCAC) which are funded by MOHLC.

re-opening access to, and making more supports available from the Special Services At Home program (SSAH). The Minister responded acknowledging the existing wait list but noted that the funding freeze would remain in effect.

Working Together By Joining the Fray

The Office receives many calls from families caring for children with significant developmental and physical needs. The cumulative stress associated with caring for their child, supporting a family and experiencing diminishing networks of personal and professional supports takes its toll on parents. Many of these families are fighting for assistance in a system with diminishing services, supports and increasingly restrictive funding processes. This leaves many parents unable to hire the staffing and other assistance they require to support the needs of their child.



Youth at the Office for an Advisory Workshop on youth rights



The needs of the children these parents care for can range from basic supervision through to full time nursing care. Tired, stressed and often financially at risk these families often collapse under the pressure of fighting to have the needs of their child met. The challenges these families manage are enormous and are further complicated when a family lives far from a large urban centre. Resources that are often difficult to access in urban settings are virtually non-existent in remote, isolated and fly in communities. It is clear that despite the best intentions of Ministries responsible for those touching children's care we must do better. For example Fetal Alcohol Spectrum Disorder (FASD), a debilitating condition is extremely prevalent. Estimates are that 1% of the Canadian population lives with the disorder. It is a condition that can be both prevented and treated. Calls from parents and voices from the field tell us more needs to be done. A whole government approach, developed in consultation with children, caregivers and service providers, could create a province-wide FASD strategy.

The challenges faced by families caring for children with special needs occur in an environment where resources and services are insufficient to meet the needs that exist. As with the children's mental health system, families attempting to care for their children at home encounter lengthy wait lists.

Those in a variety of Ministries who struggle to make the best use of resources they have and those providing service are unquestionably concerned and committed to the well being of children. However, this does not relieve the pressure an increasing number of Ontario's families face as they are left alone to care for their child with special needs. If we are all in this together, then plausible solutions must be found or created. Again, the answer is in a whole government approach, developed in consultation with children, families, caregivers and service providers.

In 2011 in the area of Special Needs the Advocate's Office will:

- Complete a mapping of 'special needs' services and funding provided by all levels of provincial government and across provincial ministries.
- Create a provincial strategy across Ministries and sectors to ensure children and youth living with FASD are able to live full and productive lives. This will be accomplished in part as a result of work with FASD ONE and other partners.
- Encourage the creation of a system of independent advocacy for students with special needs in Ontario's publicly funded schools. The Advocate's Office will bring formal and informal education advocates from across the Province together to develop a strategy.

Children's Service System

First Nations

There are 133 First Nations communities with members living on- and off-reserve. It is well documented how many of these communities face challenges associated with inadequate housing, extreme poverty, social isolation and the lack of a range of services and supports for children and families. In many First Nations communities, children's social services are practically nonexistent.

There are five designated northern Children's Aid Societies and one in Toronto, all serving First Nations communities. There are also five pre-mandated family service agencies located across the province.

Funding allocations for children and youth services do not reflect the real costs of providing services in remote communities or the significantly higher and more complex needs of many First Nations children and families. The Ontario Association of Children's Aid Societies (OACAS) undertook, at the request of MCYS, a Northern Remoteness study of funding needs at two First Nations child welfare organizations in Northern Ontario, namely Tikiagan Child and Family Services and Payukotayno James Bay and Hudson Bay Family Services. The issues raised by the Northern Remoteness Study²⁹ remain relevant as First Nations child welfare providers have been significantly impacted as a result of funding cuts that were implemented in 2010.

In 2007, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society of Canada (FNCFCS) filed a complaint with the Canadian Human Rights Commission (CHRC). The complaint alleges the Government of Canada has a longstanding pattern of providing less government funding for child welfare services to First Nations Children on reserve than is provided to non-Aboriginal children. In September 2008, the (CHRC) ordered a tribunal to determine whether or not discrimination had occurred pursuant to the *Canadian Human Rights Act*.

In 2010, the Government of Canada argued the Canadian Human Rights Tribunal does not have jurisdiction to hear the Human Rights Complaint filed by the First Nations Child and Family Caring

²⁹ Barnes David, Vijay Shankar(2006). *Northern Remoteness Study and Analysis of Child Welfare Funding Model Implications on Two First Nations Agencies Tikiagan Child and Family Services and Payukotayno: James Bay and Hudson Bay Family Services*, Barnes Consulting Group Inc.

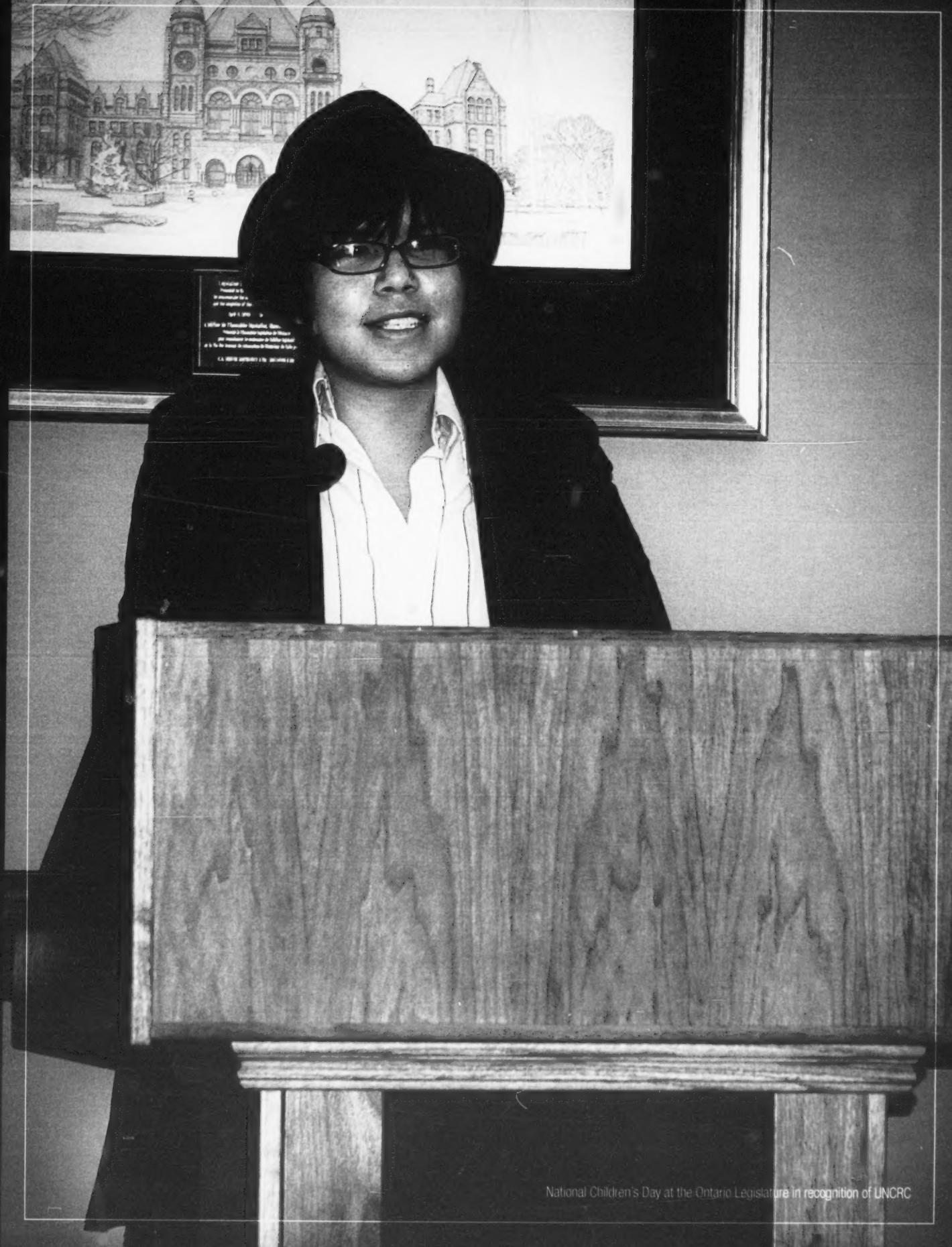
Society of Canada and the Assembly of First Nations because "funding" does not fall within the meaning of "service" under the *Canadian Human Rights Act*. The Chair of the Human Rights Tribunal has not made a ruling on this argument.

Significant Activities of the Advocate's Office with First Nations Youth in 2010:

- The Advocate's Office made a commitment to observe the tribunal in person as a signatory to the FNCFCS's "Be a Witness Campaign". The FNCFCS has invited the public to "be a witness" to the Canadian Human Rights tribunal hearing, challenging the Government of Canada to provide equitable funding to all children and youth receiving child welfare services across Canada.
- Presented preliminary findings of its review of the First Nations School of Toronto to the parent council and Toronto District School Board.
- Supported the children and youth of Attawapiskat as they advocated for a new school in their community and the creation of Shannen's Dream³⁰, a movement to support the creation of "cozy safe" schools in all First Nations communities.
- In June 2010, as a member of the Canadian Council of Provincial Child and Youth Advocates (CCPCYA), an alliance of government appointed children's advocates from nine provinces and one territory, produced and distributed a paper titled *Aboriginal Children and Youth in Canada: Canada Must Do Better*³¹. As a partner in this, the Advocate's Office recommended "... greater work is required at the national, provincial, territorial and regional levels, and a national plan is required..." Recommendations were offered as a framework for the plan.

³⁰ Shannen's Dream: Shannen Koostachin of Attawapiskat First Nation worked tirelessly to have INAC construct a permanent school in her community, one that was safe and ensured the health of students and teachers would not be compromised. She worked tirelessly to try to convince the federal government to give her community a new school before tragically passing away at the age of 15 in 2010. Those in her community, political officials, the FNCFCS and citizens around the world have continued efforts to ensure that Shannen's dream for a school in her community lives on.

³¹ Canadian Council of Provincial Child and Youth Advocates (2010) *Aboriginal Children and Youth in Canada: Canada Must Do Better*. The report notes that, "We must act with urgency to provide effective supports, services and social conditions that will enable Aboriginal children and youth to achieve the developmental outcomes and level of well-being that all Canadian children should enjoy" (pg. 3).



National Children's Day at the Ontario Legislature in recognition of UNCRC

Working Together In Respectful Partnership

First Nations youth are in the best position to articulate the many challenges in their lives, challenges that lead some to suicide. First Nations young people are mobilizing and becoming increasingly politicized. They also continually face an adult culture that questions their ability, maturity and knowledge to bring about solutions. The Advocate's Office works closely with communities and young people to challenge a mindset that continues to hold the belief that children and youth are to be seen and not heard when it comes to public and social policy discussions.

Young people from across this province have told our Office they want to be part of building partnerships that allow them to act as mentors and leaders for those growing up behind them. They do not see this as their work alone, they need their elders and community leadership to invest in their development. They want to find ways to tie the traditional with the new, provide programs and resources that are supported and attended by their communities and they want to be a priority of government tables across federal and provincial jurisdictions and within their own band, provincial and national First Nations leadership.

Sustainable long-term investments in young people are central to any strategy aimed at investing in the well-being and mental health of First Nations youth. This group of Ontario's children have told us they know many of the resources directed to them are time-limited and, in the end, never last long. Investments



Youth engagement workshop

need to be real, long-term, focused at the local-community level and flexible so as to be adaptable to the varying cultural, spiritual and religious orientations of communities.

In 2011 in its work with First Nations communities the Advocate's Office will:

- In conjunction with the parent's council make decisions on how to proceed with conclusions from the First Nations School of Toronto review.
- Continue to support the Shannen's Dream initiative and rights education including an event to be held on National Aboriginal Day in June 2011.
- Move forward with outreach and education activities with on-reserve communities across Ontario.

Coroner's Inquests

"An Inquest is an inquisitorial process designed to focus public attention on the circumstances of a death... An inquest is NOT an adversarial process. It is neither a trial, nor a process for discovery. It is not a Royal Commission, a campaign or crusade directed by personal or philosophical agendas... It is to be a dispassionate public examination into the facts..."

Office of the Chief Coroner, Ontario

Mandatory inquests are conducted pursuant to the legislative requirements under the *Coroner's Act*. For young people with connections to care systems, these mandatory inquests would include deaths that occurred while:

- a) in detention or custody,
- b) in custody but off the premises of the correctional institution and the coroner is of the opinion that the person may not have died of natural causes,
- c) being restrained on the premises of a psychiatric facility, and
- d) being restrained in a secure treatment program.

A mandatory inquest must also be held pursuant to section 22.1 of the *Coroner's Act* and section 72.2 of the *Child and Family Services Act* "... relating to certain custody and access orders in situations where a child dies as the result of a criminal act committed by a parent or family member who had custody of the child."

In all other cases, including cases where the deceased had connections to the child welfare system, the coroner may hold an inquest if, as a result of the investigation, he or she is of the opinion that an inquest ought to be held, taking into account the following factors: whether the answers to the five questions above are known, whether it is desirable for the public to have an open and full hearing of the circumstances of the death, and whether the jury could make recommendations to prevent other deaths in similar circumstances. There is no time limit between the date of the death and the convening of an inquest.

- The Inquest is presided over by the coroner who acts in a quasi-judicial role. In Ontario, coroners are physicians who are appointed to serve the communities in which they live and whose duties, activities and powers are defined by the *Coroner's Act*.
- The coroner is typically represented by a Crown Attorney who acts as counsel to the coroner.
- The coroner may grant 'standing' to any other persons with a substantial and direct interest in the Inquest, including persons who may be affected by the recommendations.
- The inquest jury consists of five people selected from a list of jurors in the community.

Juries may make recommendations to prevent other deaths in similar circumstances. While jury recommendations are not enforceable, they represent the voice of the community and have the potential to result in changes that will benefit those who are most vulnerable to preventable deaths.

The Provincial Advocate has made a commitment to have a presence at all inquests concerning the death of a child in the Office's mandate. To this end the Office of the Coroner has agreed to inform the Advocate when such an Inquest is called since there is no legal obligation to notify the Advocate's Office.

Significant Activities of the Advocate's Office with Coroner's Inquests in 2010:

- A public Inquest Database was developed to enable young people and stakeholders to have access to recommendations made into all inquests. The Advocate's Office brought together a group of young people with experience in the care systems and consulted with them

regarding the creation of an Inquest Database that would be accessible and youth friendly.

- The Advocate's Office completed a position paper, *Inquests and Young people in Care: The Involvement of the Advocate's Office*, which discusses why inquests are important, the role of the Advocate's Office and relationship to other parties at an inquest, and how the Advocate's Office can involve young people in meaningful and sustainable ways at inquests. The paper is posted at <http://provincialadvocate.on.ca>
- In December 2009 the Provincial Advocate was granted standing at the Inquest into the death of a 3 year old foster child MR who was killed by a 14 year old child, also in care. In February 2010, the Provincial Advocate worked with a group of 6 youth, with lived experience in the child welfare system, through Sketch (a community arts development initiative in Toronto engaging young people who are street-involved, homeless or who otherwise marginalized). The voice of MR and other children and youth in care is evident in the recommendations the Provincial Advocate put forward, many of which were adopted, as written, by the jury.
- In July The Regional Multicultural Youth Council (RMYC), with the support of the Advocate's Office, released *Reserved and Lost*³² (Traumatization of Aboriginal Children and Youth On and Off Reserves): A Report on the Consultation Process, Surveys, Meetings, Focus Groups, Presentations, Reference Information, and Recommendations for the Reggie Bushie Inquest. This inquest was called to examine the circumstances surrounding the death of Reggie Bushie, an Aboriginal student from Poplar Hill First Nation attending Dennis Franklin Cromarty (DFC) High School in Thunder Bay. His body was recovered from the McIntyre River in 2007. He was the fifth DFC student to die in the city since the school opened in 2000.

³² Regional Multicultural Youth Council (2010). *Reserved and Lost Traumatization of Aboriginal Children and Youth On and Off Reserves. A Report on the Consultation Process, Meetings, Focus Groups, Presentations, Reference Information and Recommendations for the Reggie Bushie Inquest*.

- The Advocate's Office made application for standing at the inquest into the deaths of Diane Anderson and her two children who perished in a house fire in 2007. Standing was granted to the Advocate's Office, Children's Aid Society of Toronto, Toronto Community Housing, Fire Marshal, Toronto Police-Victim Services and Toronto District School Board. The Anderson Inquest is scheduled to start in April 2011.
- The Advocate's Office has applied for standing at the Inquest into the death of "GA" who died while in custody at Syl Apps Youth Centre. The inquest is scheduled to commence in June 2011.
- The Advocate's Office was granted standing at the inquest into the death of Ashley Smith and joined the Smith family and the Canadian Association of Elizabeth Fry Societies in November to request that the Coroner expand the Inquest scope to include Ashley's 17 transfers between justice facilities, 150 interventions requiring the use of physical force, and for additional production of documents. The Advocate's Office sought judicial review at the Divisional Court in support of the broadened scope.

Working Together To Learn From the Lives of Those Who Have Died

The notion that "We Are All In It Together" stands most pronounced when we seek understanding about how an innocent child or youth died while in the care of the state. Seeking to learn from the life of such a child can involve many sectors, services and individuals.

Over the last 16 years (1995 to present), there have been 26 inquests into the deaths of young people who were connected to care systems, including child welfare, youth justice, and children's mental health. These were children and youth to whom the state had already expressed a public obligation to intervene on behalf of their best interest.

Of these 26 inquests, eight young people died while in custody. Seven of the young people who died in custody had diagnosed mental health issues and/or significant special needs. Half of the young people who died in custody hanged themselves. One of the

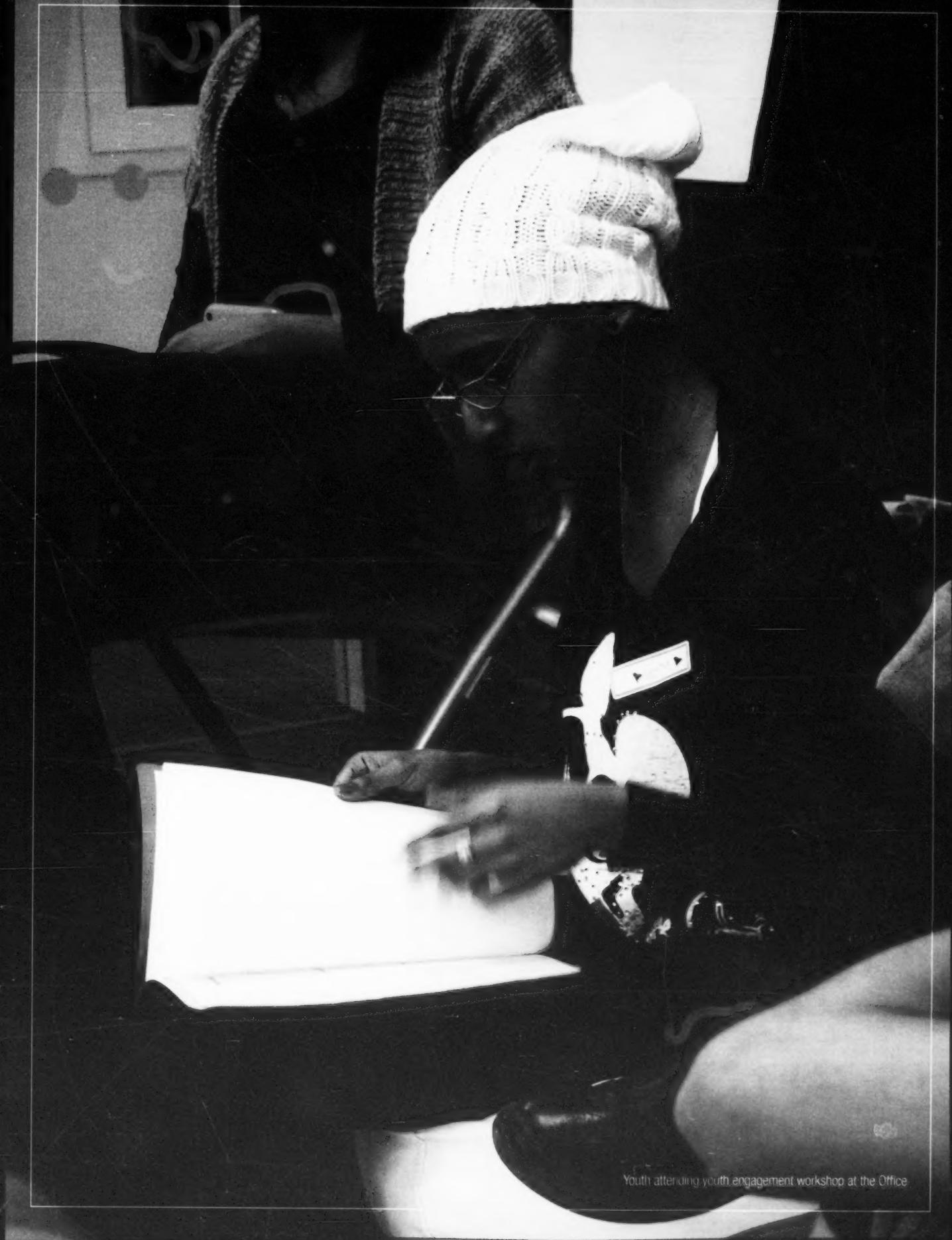
young people who died in custody was denied adequate medical treatment for a medical condition that ultimately led to his death while another was subject to peer violence that caused his death.

The Advocate's Office is concerned with the deaths of children it is mandated to serve. However, the Act which governs the operation of the Office continues to create obstacles for the Office in terms of obtaining information about those deaths. For example:

- The Advocate's Office receives, upon request, redacted copies of Child Death Summary Reports from the MCYS relating to children who died in 2008 and 2009.
- The Advocate's Office did not receive, despite repeated requests, copies of the Coroner's Paediatric Death Review Committee Reports (PDRC), even in redacted form.

In 2011 in the Area of Child Deaths in Care the Advocate's Office will:

- Complete its analysis of the Child Death Summary Reports for themes, and bring stakeholders together to develop follow-up action.
- Continue to request access to the Coroner's Paediatric Death Reports.
- Anderson Inquest: partner with the SPOT youth centre (a drop in centre in Toronto for youth offering after school programming and access to information on issues identified by youth) located in the area where the fire took place. Youth connected to the SPOT youth centre know what is needed and can provide recommendations that can be implemented to make systems more responsive to the needs of the community with regards to service delivery, and fire safety.
- GA Inquest: In order to fully present the perspectives of young people at the inquest, the Advocate's Office has partnered with a children's mental health centre to create a Youth Advisory Group. The wisdom of this group (that comes from lived experience in similar care systems identified by the inquest) will inform and assist the Advocate's Office throughout the inquest hearing process.
- Launch its public Inquest Database in 2011, to promote, through increased public scrutiny, greater safety for children and youth and increased accountability of public institutions.



Youth attending youth engagement workshop at the Office

Capacity Building

Financial Expenditures

The 2009/2010 approved budget for the Office was \$6.1 million. The year was one of significant growth. The timeline associated with construction of and relocation to the new site and in building the core infrastructure of the Office (including recruiting and putting in place new staff) significantly impacted the ability of the Office to move forward with activities in a number of key areas. As a result the Office did not fully spend its budgeted amounts.

Audited Statement Of Expenditures For The Period April 1, 2009 To March 31, 2010

Salaries & Wage	\$1,769,881
Employee Benefits	\$375,553
Transportation & Communication	\$306,680
Services	\$1,722,288
Supplies & Equipment	\$549,080
 Total	 \$4,723,482

Annual Report Follow-up

Follow-up on the Advocate's Office Annual Report '07-'08

Page 3

Recommendation/Issue/Statement

"...asked for inquest into (Katelyn's Death)...transparent public investigation".

Follow-up status

Criminal process not yet completed

Page 5-7

Recommendation/Issue/Statement

"...good information is difficult to come by, and our legislated powers do not expend broadly"

1. We appeared before standing committee and proposed amendment to Bill 103- failed
2. Made application to Ontario Court of Justice- received some info
3. will continue to seek amendments to PACY Act to allow access
4. Near agreement on draft protocol with MCYS

Follow-up status

Completed

Page 7-8

Recommendation/Issue/Statement "...we invited organizations. ... to encourage young people to talk about... and strategies for dealing with youth violence...building on these experiences we have plans to form a reference groups or hubs in at least five regions of the province"

Follow-up status

Completed

Page 8

Recommendation/Issue/Statement "In response to recommendations in Falconer (safe school) report...our Office convened a group at Westview... and will at...First Nations school in Toronto..."

Follow-up status

Photovoice project completed by young people from Westview H.S., First Nations School Review findings shared

Page 10

Recommendation/Issue/Statement "in the past, our Office has assigned one advocate to deal with all calls from these [Northern] communities...We will be focusing increasingly in 2009 on how our office can better advocate...in the North"

Follow-up status

Phase 1 of the Northern Development Strategy is being implemented, with approval to hire staff and the creation of an Advisory Table.

Page 15

Recommendation/Issue/Statement "...our office undertook a Quality of Care Review of a large CAS...the report included recommendation that our office is pursuing... acted on."

Follow-up status

Completed

Page 16

Recommendation/Issue/Statement "Our office is concerned about the number of calls it receives from youth saying they are not permitted to contact us...ensuring agencies permit and encourage... will be one of our objectives in the coming year."

Follow-up status

On-going

Page 16

Recommendation/Issue/Statement " Our office has been concerned about the use of tasers...on youth in care... we are currently investigating...and there should be a moratorium..."

Follow-up status

See 09-10 Annual report

Annual Report Follow-up

Follow-up on the Advocate's Office Annual Report '07-'08

Page 17

Recommendation/Issue/Statement

"1. STRENGTHEN ADVOCACY...
increase our outreach..."

Follow-up status

Established Community Development Advocates positions in 2010

Page 17

Recommendation/Issue/Statement

"2. DEATHS...KNOWN to SYSTEM...
we will request standing at inquests held ... death...in
state care..."

Follow-up status

On-going

Page 17

Recommendation/Issue/Statement

"3. THE NORTH...
1. begin by hiring a Director of Service or Deputy Advocate...
2....an office located in the North or Virtual office...
3. additional funding as part of our 2009-2010 budget
submission"

Follow-up status

Director of Strategic Development hired to support development of
a Strategy for the North

Page 19

Recommendation/Issue/Statement

"4. YOUTH PARTNERSHIPS...
to form reference groups/hubs in five regions of the province..."

Follow-up status

Completed

Page 19

Recommendation/Issue/Statement

"5. JORDAN'S PRINCIPLE...
We will work for (its) implementation in Ontario..."

Follow-up status

On-going

Page 19

Recommendation/Issue/Statement

"6. CORONER'S RECOMMENDATIONS ...
we wish to follow the recommendations... to see how many are
implemented...Advocacy Office is now well organized... to play a
stronger role in advancing the interests of children and youth

Follow-up status

Created designed and tested Inquest database. Projected launch
in 2011

Annual Report Follow-up

Follow-up on the Advocate's Office Annual Report '08-'09

Page 8

Recommendation/Issue/Statement

Seek amendments to the Provincial Advocate for Children and Youth Act, 2007 to ensure the Advocate has access to the information needed to fulfill his mandate

Follow-up status

Initial discussions have been held with ministry officials

Page 10

Recommendation/Issue/Statement

Hire community development staff to expand its capacity to engage youth, the community and government and to expand public education activities

Follow-up status

2 Community Development Advisors are in place

Page 10

Recommendation/Issue/Statement

Work to expand partnerships with local, provincial and national agencies and organizations to focus on youth participation and children's rights

Follow-up status

Pilot project with Humber College

Page 10

Recommendation/Issue/Statement

Launch a "travelling Art Show" that pairs photography and the powerful written narratives of young people...

Follow-up status

Art Show launched in Feb 2011

Page 10

Recommendation/Issue/Statement

Release its report titled The Westview Review: A participatory Action Project in Ontario's Education System

Follow-up status

Report released in Feb, 2011

Page 14

Recommendation/Issue/Statement

Create an "Inquest database" so that young people and stakeholders have access to recommendation from all Inquests...

Follow-up status

Inquest database to be launched in early 2011

Page 14

Recommendation/Issue/Statement

Request the Paediatric Death Review Reports from the Office of the Chief Coroner of Ontario...

Follow-up status

Continue to request reports

Page 14

Recommendation/Issue/Statement

Conduct reviews of children's residences and report... (to) ministry oversight bodies and placing child welfare societies...

Follow-up status

Youth have been interviewed at 7 residences. Reports are forthcoming.

Page 14

Recommendation/Issue/Statement

Complete a submission to MCYS as part of the mandatory review of the CFSA

Follow-up status

Completed

Annual Report Follow-up

Follow-up on the Advocate's Office Annual Report '08-'09

Page 14

Recommendation/Issue/Statement

Endeavour to work with the Commission on Sustainable Funding for Child Welfare...

Follow-up status

On-going

Page 14

Recommendation/Issue/Statement

Create a report that speaks to better life chances for young people and their connections to resources as they leave child welfare system

Follow-up status

In progress

Page 17

Recommendation/Issue/Statement

Complete its review of the use of secure isolation in youth justice facilities...

Follow-up status

Interviews complete. Report is under development

Page 17

Recommendation/Issue/Statement

Continue to monitor the progress being made on complaints brought forward... against Roy McMurtry Centre and... conduct a review...

Follow-up status

On-going

Review planned for March 2011

Page 17

Recommendation/Issue/Statement

Monitor provinces commitment to implementation of 'relationship custody'

Follow-up status

On-going

Page 17

Recommendation/Issue/Statement

Complete and make public its study and paper on 'Consent and Capacity'...

Follow-up status

Public Education campaign will be launched in 2011

Page 17

Recommendation/Issue/Statement

Advocate for increased provincial psychiatric consultation capacity...

Follow-up status

Meetings held with MOHLTC, MCYS and Hospital for Sick Children

Page 18

Recommendation/Issue/Statement

Expand its capacity to communicate using ASL and LSQ

Follow-up status

Training in ASL and LSQ provided to staff and will be on-going

Page 18

Recommendation/Issue/Statement

Continue meeting with MOE regarding... services (in) Schools for the Deaf and Deaf Blind.

Follow-up status

On-going

Annual Report Follow-up

Follow-up on the Advocate's Office Annual Report '08-'09

Page 18

Recommendation/Issue/Statement

Develop a youth participation strategy with students at Provincial and Demonstration Schools

Follow-up status

On-going

Page 20

Recommendation/Issue/Statement

Continue to work with the Chiefs of Ontario and other northern and First Nations communities to develop its strategy for the north

Follow-up status

On-going

Page 20

Recommendation/Issue/Statement

Facilitate, in partnership with New Mentality, First Nations youth engagement and a response to the MOH Every Door is the Right Door discussion paper

Follow-up status

Will be combined with Northern Youth Engagement Strategy

Page 20

Recommendation/Issue/Statement

Continue to maintain its involvement in the Bushie Inquest

Follow-up status

Bushie inquest has been adjourned. Office continues to work with youth

Page 21

Recommendation/Issue/Statement

Map the Special Needs Service Realm with the help of significant networks and community groups

Follow-up status

On-going

Page 21

Recommendation/Issue/Statement

Meet with relevant service providers and advocacy groups to develop an advocacy strategy around special needs services

Follow-up status

On-going

Page 23

Recommendation/Issue/Statement

Review and modify the Advocate's Office database that records and tracks all calls in support of management decisions and service delivery

Follow-up status

Request for Proposals (RFP) activity is underway

Page 23

Recommendation/Issue/Statement

Increase advocacy response capacity by completing the hiring of new approved complements

Follow-up status

Hiring of Toronto-based advocates is complete

The circle in preparation

for the First Nations Advisory group - October 2010





"There is no more powerful a way to initiate change than to bring together in conversation those who have a role to play in creating that change. This is the potential that the office sees in the circle. We envision a seat for everyone because "We are all in it together".

perspective...



might be time
or legal help.

Provincial Advocate
for Children & Youth

VOICE
CHOOL

ory Action Project
Education System

2010

otrum, Child & Youth Advocate
apatra, Child & Youth Advocate

Provincial Advocate
for Children & Youth

At the Amplifier MAGAZINE

AMPLIFIER is a youth
created magazine that
raises awareness, informs
children and youth about
their rights, and shares
experiences in a
creative manner.

YOUNG PEOPLE SPEAK UP:

SUBMIT ARTICLES, ARTWORK,
POETRY, PHOTOS FOR INCLUSION
IN OUR MAGAZINE.

Themes For This Issue:

- Children's Aid Society
- Stigma around mental health
- Newcomer Youth
- Youth justice
- First Nations youth
- Young persons living on the street

STAY TUNED...

YOUTH

If something doesn't fe

If you are in CARE
and you don't think

You can call the

PHONE: 1 800 21
416 325
TTY: 416 325
FAX: 416 325
Email: advoca
Website: www.p

Office of the
for Child



Vol. 38 #06

WWW.WA

Government help drug

Provincial and federal laws are helping bring drugs into First Nations, says Webequie prescription drug abuse strategy coordinator Levi Sofea.

"People use the Charter of Rights and Freedoms," Sofea said. "We can't do what we want to do like body

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RELATIVE A
DROITS
CONVEN



Education Forum

Provincial Advocate
for Children & Youth

401 Bay Street, Suite 2200, Toronto, Ontario M7A 0A6

Phone: (416) 325-5669 toll free at 1-800-263-2841

ooVoo provincial-advocate (ASL/LSQ users) or by email advocacy@provincialadvocate.on.ca